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Francis Lieber

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THE

LIFE AND LETTERS

OF

FRANCIS LIEBER

EDITED BY

THOMAS SERGEANT PERRY

WITH PORTRAIT

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PREFACE.

THIS volume contains extracts from the Diary and the copious correspondence of the late Dr. Francis Lieber, with such additional information as was necessary concerning his early years. Fortunately the greater part of his life was told by his own pen, and the incidents of his later years were so few in number that they may be gathered from his letters. These were many in number, and the reader will see how varied were the subjects which attracted Lieber's attention. His zeal for the great questions of civic duty is familiar to those who have studied his books. Dr. D. C. Gilman, the accomplished president of Johns Hopkins University, has collected in two volumes the most important of Lieber's miscellaneous writings. This book, it is hoped, will complete the picture of the man.

Doctor Lieber's widow had faithfully preserved every memorial of her distinguished husband, and the task of the editor has been almost entirely one of selection from a vast mass of material. In preparing the volume for the press he has made it his rule to alter Lieber's phraseology as little as possible, to give the world what Lieber,

who was using a foreign tongue, really wrote, — not what he might have written had he learned English earlier. On the whole, it is impossible not to admire his command of our language.

Boston, September 25, 1882.

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CHAPTER I.

For a long time Germany has paid a high price for her military supremacy and her somewhat rigid system of government, by the constant drain that emigration to this country has made upon her population. During the last sixty years, no less than three million Germans have reached these shores, most of whom have made themselves homes where it was possible to enjoy immunity from some of the discomforts which they felt in their own land. Among these immigrants, who have formed a very valuable part of the population of the United States, have been many political exiles, who have been the special object of the despotic measures that have occasionally threatened to stifle the national life of Germany during the present century; and it is impossible to overlook the almost infallible accuracy with which the German police put their hand on those young men who, under different circumstances, have shown themselves able to shed glory on the land of their adoption, as well as on that of their birth.

Prominent among these men who were lost to their own country by the exercise of arbitrary power was the subject of this biography, who, by his noble work in behalf of freedom and the development of the individual, showed that his only mistake — if mistake it can be called — lay in anticipating by a few years the course which his country was afterwards to follow. In Germany he learned the importance of freedom, and in this country he taught what responsibilities its enjoyment imposes upon the citizen, what checks are required for its full development. The Germans in this country have always shown peculiar sensitiveness to everything that has seemed in any way to infringe the liberty which they have found here, and the whole aim of Dr. Lieber's life was to define and maintain its righteous use. His work may be summed up as a continual exposition of his favorite motto: "No Right without its Duties, no Duty without its Rights."

Francis Lieber was born in Berlin, March 18, 1800. He was the tenth child of a family consisting of nine sons and three daughters. They were brought up very simply by their father, an ironmonger, who lived in the Breite Strasse, the scene of the hottest conflict between the military and the citizens of Berlin in the outbreak of 1848.

Francis Lieber was a boy when the French army occupied Berlin, and one of his early memories was of the entrance of the French troops after the battle of Jena. He stood at the window to watch Davoust's corps pass the house, and cried so bitterly that he had to be removed, in order not to attract the attention of the French troops. From that day he conceived a bitter hatred of the French

and their emperor, so that he was unable to understand why his mother, when she was once irritated at his teasing his sisters, called him a real Napoleon.

All the tumult of the time found its echo in his boyish sports. On one occasion he and a number of his companions formed a fraternity for the performance of good works and the maintenance of inviolable secrecy concerning the association. Every member had to cut his finger and sign his name with his own blood. One of the society proposed that loaded pistols should be placed upon the table, to render the ceremony of initiation more solemn; but, fortunately for the study of international law, this proposition was defeated. They composed, too, a prayer, asking that God might aid this society, if he approved of it; but this modifying clause was left out, because there could be no doubt of His approval. This society was doubtless a childish imitation of the secret associations to which the elder brothers of young Lieber belonged. The French yoke was unendurable to the Germans, and they were making all manner of preparations to expel the foreign foe. The eldest of the brothers, Edward Lieber, introduced a number of young men into the house who were all interested in making ready for the next war, and the father was no less eager in the same cause.

Meanwhile Francis Lieber was prosecuting his studies, and earning a reputation for daring and mischief. Patriotism was instilled into him in his tenderest years, not only by the preparations which he saw making for the inevitable war, but by direct precept. One of his early memories was that when Schill was defending Colberg he was taught to pray that God would cure his grandmother's cough, bless the king, and let Schill be victorious. Schill

himself he had failed to see when that gallant general entered Berlin in the spring of 1808, although his father had carried him out for that purpose. The boy was thrown to the ground by the hurrying crowd, and was only rescued by a soldier who happened to stumble upon him. A few days later he was more successful. How this happened may be told in his own words in an extract from a letter published in the "Southern Literary Messenger" for June, 1836.

I had not seen Schill, the object of our wishes, but, soon after his arrival at Berlin, I began to make a heraldic collection, and it struck me that it would be a fine beginning could I place at the head the seal of Schill. So I went one day to his quarters, and told the sergeant in waiting that I wished to see Schill. I peremptorily refused to tell him my business, and after some conversation was admitted. I found Colonel Schill in the garden, shooting with the pistol at a target. He asked me what I wanted. "Your seal, sir," said I. "And why my seal?" was the reply. "Because," said I, "I love you, and wish to begin my collection with your coat of arms." "Does your father love me, too?" he asked. "Yes," replied I, "all the Berlin people do." He seemed much moved, turned towards the other officers, — while he treated me in the kindest manner, — and said something which I now forget, but the import of which may be easily surmised. He then asked me to take luncheon with them, and I remember that he helped me to a glass of wine, saying: "Boy, be ever true to your country; here, let's touch glasses on its welfare." I remember nothing of his appearance, except the kind expression of his large blue eyes. I was a great man among my schoolfellows the next day, and refused to exchange one of the seals, which Colonel Schill had given me, for the arms of the Emperor of Austria. When the signet of the King of Saxony was added I parted with one of Schill's, but still I thought the advantage of the bargain on the other side.

In his studies Lieber at an early age took a prominence which he also maintained in outdoor sports. While he was the leader in the games of his boyhood, and was noted for his daring and high spirits, there was yet another direction in which his interests were aroused. He received religious instruction from a clergyman, who was much struck by his young pupil's enthusiasm and ability. Dr. Lieber, however, once recorded that he was himself in his boyhood dissatisfied with what he took to be his teacher's lukewarmness, and that he gave himself up to an extravagant religious fervor, composing devotional psalms for his own delight.

This emotional excitement seems to have had no depressing effect upon his character; it was part of the enthusiasm that always distinguished him, not an outbreak of precocious morbidness, and all the evidence shows that it went hand in hand with a love of merriment and adventure. The boy, too, was ambitious. His first desire was to study botany, with the intention of becoming a second Linnæus. His father had made it his rule to leave his sons free in their choice of a profession, and hence gave him leave to enter the Botanic Garden near Schöneberg, a village in the suburbs of Berlin. The director of the garden, however, was an ill-tempered man, who treated his apprentice with harshness and imposed upon him the performance of various menial tasks, so that the boy lost interest in his occupation and was removed by his parents. He then was anxious to prepare himself for the university, but his father, who had lost the greater part of his property during the war with Poland, was unable to bear the necessary expense. Consequently Lieber resolved to enter the Pepinière, an institution in Berlin for the education of

military surgeons. Here he heard lectures on anatomy, physics, etc., in his preparation for future service in the army.

His patriotic feelings inspired him in this selection of a profession, for he was living in an atmosphere charged with warlike rumors. Not only was all Prussia a sort of camp in which military preparation was never relaxed, but the Liebers' house was in a way the headquarters of a number of youthful enthusiasts. In 1813, when two of his brothers had left to join the army, young Lieber, then a boy of thirteen, ran to his room, fell upon his knees, and swore to assassinate Napoleon. The method that he chose had the merit of ingenuity; he determined to learn French, become an adjutant to Napoleon, and then kill him.

Both the brothers, Edward and Adolf, returned from their campaign, wounded, when Napoleon was banished to Elba. Their companions constantly visited them, and young Lieber listened to the recital of their adventures, and joined in their patriotic songs. His aunts and sisters nursed the sick and wounded in the hospitals, where one of the sisters contracted a typhoid fever; and the mother brought to the house a soldier who had been dangerously wounded, and by unremitting care restored him to health. Similar stories could doubtless be told of many Prussian families at that time. The country was preparing itself for a final struggle with Napoleon, and no sacrifice of money treasures, energy, or time was refused by the eager people.

As early as 1811 Lieber had begun gymnastic practice under Jahn, who was then leading a revolution, one might almost say, in favor of physical exercise. That strength and

activity were needed, the following sketch by Lieber will show. The story of his adventures in the campaign of 1815 cannot be better told than in his own words. The following account is condensed from the account published in his book: "Letters to a Gentleman in Germany on a Trip to Niagara," Philadelphia, 1834, republished in London, 1835, under the name of "The Stranger in America."

"Boys, clean your rifles," said my old and venerable father, entering my room, where I was studying "Loder's Anatomical Tables;" "he is loose again." — "Napoleon?" — "He has returned from Elba."

My heart beat high; it was glorious news for a boy of fifteen, who had often heard with silent envy the account of the campaigns of 1813–14 from the lips of his two brothers, both of whom had marched in 1813, in common with most young men of good families, as volunteer riflemen, and returned as wounded officers.

One, cured of his wounds, rejoined his regiment; another of my brothers and myself followed the call of government to enter the army as volunteers, though our age would have exempted us from all obligation. Which regiment should we choose? Of course one which was stationed near the enemy's frontier, so that we should be sure not to have a peaceable campaign in a distant reserve.

There was a regiment among the troops near the frontiers of France which enjoyed a peculiarly high and just reputation; its name was Colberg, bestowed upon the brave band in honor of its valiant defence of the fortress of Colberg in the year 1806 — the only Prussian fortified place at that wretched time which did not surrender to the French. It was composed of brave and sturdy Pomeranians, a short, broad-shouldered, healthy race. In more than twenty *ranged* engagements, during the campaign of 1813–14, had they shown themselves worthy of their honorable name.

My brother and myself selected this regiment. When the day appointed for the enlistment of the volunteers arrived, we went to my father and said, "Well then, we go; is it with your consent?" "Go to your mother," he replied. We went to her; our hearts were big, — she had suffered so much during the first campaign. With a half-choked voice I said, "Mother, we go to be enrolled; shall we?" She fell into our arms, that noble woman, worthy of the best times of Rome, and sobbed aloud. "Go!" was all her bleeding heart allowed her to utter; and had she been the mother of twenty sons, she would have sent them all.

A table was placed in the centre of a square in the city of Berlin, at which several were enlisting those who offered themselves. We had to wait from ten to one o'clock before we could get a chance to have our names taken down, the throng was so great.

In the beginning of the month of May we marched from Berlin to our regiments. On the 25th of May we passed in review before Prince Blücher, in Namur. On the 26th we marched to a village called Voistin, and were incorporated with our regiment.

On the 2d of June we had our first parade with the regiment, and the colonel declared that we had the bearing of old soldiers; he was satisfied with us. We longed to be tried. I saw on that day, for the first time, a woman who was sergeant in our regiment, and distinguished herself so much that she could boast of three orders on her gown, when, after the peace, she was married in Berlin to another sergeant. In a second regiment of our brigade was another girl serving as a soldier, but she was very different from our sergeant. Her sex was discovered by mere accident; she had marched instead of her brother, that he might support their aged parents. You probably recollect Pochasca, — and the girl who followed her lover to the army, fought by his side, was known to nobody, but him, was wounded, and discovered herself, only just before she breathed her last in the Berlin hospital, to the Princess William.

We marched to Longueville, seven leagues from Brussels. On the ninth we received lead to cast our balls, — the rifles being of different calibre, as each volunteer had equipped himself. It is one of the most peculiar situations a man of reflecting mind can be in, when he casts his balls for battles near at hand.

In the evening I was lying, with two comrades, one of whom was a Jew, in a hayloft. The crazy roof allowed us to see the brilliant stars. We spoke of home. "My father," said the one, "told me he was sure he would not see me again, though he never attempted to keep me back," and, added he, "I feel as if I should fall." A ball entered his forehead in the first battle, and killed him on the spot. The second, the Jew, said: "Nobody has told me of my death, yet I believe I shall remain on the field." He fell at my side, in the battle of Ligny, before he had fired a shot — a ball cutting his throat. "And I," said I, "shall be brushed, but, I think, shall return home, though with a scratched skin." Thus, strangely, every prophecy of that night was fulfilled.

On the morning of the 15th the general was beaten; hostilities had begun on the 14th. We marched the whole day and the whole night. In the morning we arrived not far from the battle-field of Ligny; we halted. Before us was a rising ground, on which we saw innumerable troops ascending the plain, with flying colors and music playing. It was a sight a soldier loves to look at. I cannot say, with Napoleon, that the earth seemed to be proud to carry so many brave men, but we were proud to belong to these brave and calm masses. Orders for charging were given; the pressure of the coming battle was felt more and more. Some soldiers who carried cards in their knapsacks threw them away, believing that they brought bad luck. I had never played at cards and carried none, but this poor instance of timid superstition disgusted me so that I purposely picked up a pack and put it in my knapsack. Our whole company consisted of very young men, nearly all lads, who were impatient for

battle, and made a thousand questions in their excited state to the old, well-seasoned sergeant-major, who had been given to us from the regiment. His imperturbable calmness, which neither betrayed fear nor excited courage, but took the battle like a drilling, amused us much.

We now marched again, up the sloping plain, and, by one o'clock in the afternoon, arrived on the battle-ground. Our first position was a trying one for raw troops. The enemy's cannon played hard upon us; shell shots fell around us, and took several men out of our column. We were commanded to lie down; I piqued myself on not making any motion when balls or shells were flying over us. Behind us stood some cavalry. One of their officers had been a near neighbor to us in Berlin. He rode up to me and asked me to write home should he fall; he would do as much for me should I be shot down. He soon after fell.

We longed most heartily to be led into the fire, when our officer, a well-tried soldier, for we had not yet exercised our right of electing our own officers, as none of us had sufficient experience, spoke these few words: "My friends, it is easier to fight than to stand inactive exposed to fire. You are tried at once by the severest test; show then that you can be calm as the oldest soldiers. My honor depends upon your conduct. Look at me, and I promise you, you shall not find yourselves mistaken."

At length, at about two o'clock, an aid of the general of our brigade galloped up to our column and said to the colonel: "Your column must throw the enemy out of the left wing of the village." Presently the colonel rode up to us and said: "Riflemen, you are young, — I am afraid too ardent. Calmness makes the soldier; hold yourselves in order." Then he turned round: "March!" and the dull half-suffocated drum, from within the deep column, was heard beating such delicious music. Now, at last, was all to be realized for which we had left our homes, had suffered so many fatigues, had so ardently longed for. The bugle gave the signal to halt; we were in front of the village of

Ligny. The signal was given for the riflemen to march out to the right and left of the column, and to attack.

Our ardor now led us entirely beyond the proper limits. The section to which I belonged ran madly, without firing, toward the enemy, who retreated. My hindman[1] fell. I rushed on, hearing well but not heeding the urgent calls of our old sergeant. The village was intersected with thick hedges, from behind which the grenadiers fired upon us, but we drove them from one to the other. I, forgetting altogether to fire and what I ought to have done, tore the red plume from one of the grenadier's bear-caps and swung it over my head, calling triumphantly to my comrades.

At length we arrived at a road crossing the village lengthwise, and the sergeant-major had now succeeded in his attempt to bring us somewhat back to our reason. There was a house around the corner of which he suspected that a number of French lay. "Be cautious," said he to me, "until the others are up." But I stepped round, and a grenadier stood about fifteen paces from me. He aimed at me; I levelled my rifle at him. "Aim well, my boy," said the sergeant-major, who saw me. My antagonist's ball grazed my hair on the right side. I fired and he fell; I found that I had shot through his face; he was dying. This was my first shot ever fired in battle.

Several times I approached old soldiers in the battle, to ask them whether this was really a good, sound battle; and when they told me, "as heavy a one as Dennewitz," — one of the most sanguinary engagements in which our regiment, or, in fact, any regiment had ever fought, — I was delighted. All I had feared was, that I should not have the honor of assisting in a thorough battle. I observed a hog and a child both equally bewildered; they must have soon been killed; and, as I never can omit observing contrasts, I noticed a bird

[1] Riflemen, who attack as skirmishers, and never shoot without aiming, are placed two by two together. These couples assist each other; one charges whilst the other aims, and *vice versa*. One of them is called the foreman, the other hindman.

flying about its young ones and striving to protect them in this tremendous uproar and carnage. A degree of vanity, I remember, made me, in the beginning of the battle, feel very important, — when I thought that a man's life depended on my trigger.

After about an hour I was calmed down, and got the proper *trempe*. I felt a parching thirst; and, discovering a well, I took a canteen from the knapsack of a dead soldier, contrived to fasten it by thongs, obtained in a similar way, to a pole, and drew up some water. A captain, seeing me, partook of it, and made some remarks about my calmness, which made me feel proud. It happened where the fire was briskest.

But I cannot tell you all the details of the fight, and what a soldier personally does in a battle so bloody and so long as that of Ligny; how many of my friends I have seen falling dead and wounded around me, how desperately we fought on both sides for the possession of the village; and how the troops against us were three times renewed, while we received no succor. Suffice it to say, that the battle lasted in all its vigor until dark.

The village was four times taken and retaken; the last time we had to march in a hollow way, which led across the centre of the place, and where the struggle had been the hottest all the afternoon. Three or four layers of dead and living men and horses impeded the progress of the soldiers, who were obliged to wade in the blood of their comrades, or to trample upon wounded enemies imploring them to give some assistance, but to whom they were obliged to turn a deaf ear, whatever might be their feelings. This last attempt to regain the village, when I was called upon to assist in getting a cannon over the mangled bodies of comrades or enemies, leaping in agony when the heavy wheels crossed over them, has impressed itself with indelible horror upon my mind. I might give you details such as you have seen in no picture of a carnage; but why?

Toward evening the cavalry began to press us more and

more; to regain the village was impossible; our troops were thinned to the utmost; it became dark; the bugle blew to retreat, when the horse-grenadiers approached to charge us. The signal was given to form heaps.[1] It was now, when retreating, that our men began for the first time to show uneasiness. The colonel observed it by the irregular beat of the gun when he commanded "Ready." But, as if he were on the drilling-place, he said: "Your beat is bad. Have we drilled so long for nothing? Down with your guns. Now, Ready!" and every man was calm again. Treat good soldiers soldier-like, and good sailors sailor-like, and you may always depend upon them. The cavalry charged; but we received them according to rule, "No firing until you see the white of their eyes," and they were repelled. My brother had been wounded in the foot, and was obliged to ride the night through on the pointed cover of an ammunition car. He assured me afterwards he had an uncomfortable ride of it, which I willingly believe.

Of our whole company, which, on entering the engagement, mustered about one hundred and fifty strong, not more than from twenty to thirty combatants remained. The old soldiers of our regiment treated us ever after this battle with signal regard, while before it they had looked upon us rather as beardless boys. We marched all night. On the 17th we attempted twice to go to bivouac, but were twice disturbed by the enemy. Suffering greatly from hunger, we made a meal of raw pork, having met with a hog.

We marched a great part of the night. Rain fell in torrents; it had rained the whole of the 17th; the roads were very bad. Early in the morning of the 18th we found part of our regiment from which we had been separated. It was

[1] Infantry forms, at the approach of cavalry, regular squares; but when troops are so thin and dispersed as the regiment Colberg was toward the end of this battle, or when the attack of cavalry is too sudden and unexpected to admit of their regular formation, mere heaps are formed; that is, the infantry run together, and imitate a square as well as they can.

a touching scene to see the soldiers rushing to each other, to find comrades whom we had believed to be dead or missing. Our men were exhausted, but old Blücher allowed us no rest.

We began early on the 18th our march. As we passed the Marshal, wrapped up in a cloak and leaning against a hill, our soldiers began to hurrah, for it was always a delight to them to see the "Old one," as he was called. "Be quiet, my lads," said he; "hold your tongues; time enough after the victory is gained." He issued this morning his famous order, which ended by assuring our army that he would prove the possibility of beating, two days after a retreat, and with inferior numbers, and which concluded with the words, "We shall conquer, because we must conquer."

We entered the battle with Blücher in the afternoon. You know the history of this memorable day. It had been again our lot to stand unengaged for some time in sight of the battle. We saw some brilliant charges of our cavalry putting to rout French squares. Not far from us stood the hussars, commanded by Colonel Colomb. An aid came with the order to charge a square. "Volunteers, Advance," called the Colonel, when the whole regiment, as if by magic, advanced some steps. He was obliged to order a company in the common way. Numerous wounded passed by us while we stood there inactive. Marshal Blücher rode by, and when he observed our uniform, said: "Ah, my Colbergers, wait, — wait a moment; I 'll give you presently something to do."

We suffered dreadfully from the cravings of hunger. I found a peasant in the cellar of a house near the road, and threatened to shoot him instantly unless he gave us bread. He assured us he had none. I told my comrade to hold him while I would seem to prepare to shoot him. He brought us a small loaf.

It was heart-rending to halt, as we did in the evening, on the field of battle after such bloodshed. Fires were lighted, that the wounded might creep to them. I found a hen-house, got in, and the door shut after me. I heard the signal to

march, and my anxiety was great when I found I could not get out. It was perfectly dark; I groped about, but, to my utter discomfiture, I found no way of escape. At last I set up a tremendous shouting, and after a while succeeded in attracting the attention of some of our regiment, who delivered me from my unpleasant situation and enjoyed a hearty laugh at my expense.

The great body of the Prussian and English armies marched toward Paris; but half of our army corps, to which I belonged, received orders to pursue Vandamme, who had thrown himself upon Namur. We marched the whole of the 19th; the heat was excessive, and our exhaustion and thirst so great that two men of our regiment became deranged in consequence. We chewed clay, over which the artillery had marched, and thus had pressed out its moisture by the wheels of the cannon. In my despair I even made the attempt — but I could not.

No soldier is allowed by the regulations, when marching through a place, to step out of the ranks or to drink from wells on the road; but when we marched in the course of this day through Gemblours, where the people had placed large tubs before their doors, filled with water, officers and privates fell pellmell upon them; some drank their last draught. Such was the impression then made upon me by the consuming thirst that, for a long time after, I was unable to see liquid of any kind without feeling an intense desire to swallow it, though I might not at the time feel thirsty.

At four o'clock in the afternoon we went to bivouac. We started early again, and now my strength forsook me. I could not keep up with the troops, and began to lag behind; it was a most painful feeling to me, but I could not do otherwise. I tried to get hold of a cannon. An artillerist, pitying my appearance, wished even to take me on the cannon, but his officer would not permit it.

Suddenly, at about noon, I heard the first guns; the battle of Namur had begun. Heavens, and I not with my corps! My strength was suddenly restored. I ran across a field, in

which the balls of the enemy were mowing down the high wheat, toward the commander of our brigade, whom I espied on an elevation. I asked him, "Where is my regiment?" He very angrily turned round: "Who disturbs me here during the engagement? Go to the d——." But as soon as he began to observe me more narrowly, — my exhausted appearance, my youth, — and particularly when I quickly said, "Sir, I ask, because I want to fight," he bent down from his horse, stroked my face, and said, in a mild tone, "What do you want, my rifleman?" I repeated my question. He showed me where I had to go, gave me to drink, and called after me: "Come and see me after the battle, — do you understand?" "I do," said I. Two minutes after, he fell. He was a most kind officer, and the soldiers said he treated the riflemen too kindly.

When I arrived where my regiment stood, or, as I should rather say, the little band representing it, I dropped down; but fortunately one of my comrades had some eggs, one of which gave me great strength. Our colonel came up to us, saying: "Riflemen, you have twice fought like the oldest soldiers; I have to say nothing more. This wood is to be cleared; be calm; bugleman, the signal!" and off we went with a great hurrah, driving the French before us down a hill toward Namur, which lay on our front. My hindman, like his predecessor, was killed.

When I saw our men rushing too fast down the hill, I was afraid that some enemies might be hid under the precipice to receive them. Holding myself with my left hand by a tree, I looked over the precipice, and saw about seven Frenchmen. "They will hit me," I thought; and, turning round to call to our soldiers, I suddenly experienced a sensation as if my whole body were compressed in my head, and this, like a ball, were quivering in the air. I could feel the existence of nothing else; it was a most painful sensation.

After some time I was able to open my eyes, or to see again with them. I found myself on the ground; over me stood a soldier firing at the enemy. I strained every nerve

to ask, though in broken accents, whether, and if so, where I was wounded. "You are shot through the neck." I begged him to shoot me; the idea of dying miserably — half of hunger, half of my wound, alone in the wood — overpowered me. He of course refused — spoke a word of comfort, that, perhaps I might yet be saved; and soon after, himself received a shot through both knees, in consequence of which he died in the hospital, while I am now writing an account of his sufferings here in America.

My thirst was beyond description; it was a feverish burning. I thought I should die, and prayed for forgiveness of my sins, as I forgave all. I recollect I prayed for Napoleon, and begged the Dispenser of blessings to shower his bounty upon my beloved ones, — and, if it could be, to grant me a speedy end of my sufferings. All my relations passed before my mind. I received a second ball, which, entering my chest, gave me a more local pain than the first. I thought God had granted my fervent prayer. I perceived, as I supposed, that the ball had pierced my lungs, and tried to breathe hard to hasten my dissolution. At several periods I heard soldiers passing by, and making their remarks upon me, but I had no power of giving any sign of life. A boy, the son of a colonel, was led by an old soldier past me. I could see them dimly, and heard the boy exclaim, "Oh, my father!" I heard afterwards that his father had been killed, and the second in command had sent the boy out of the fire.

I now fell into a deep swoon. The ideas of approaching death, the burning thirst and the fever created by my wounds, together with the desire which had occupied our minds so often during the last days of seeing once more good quarters, produced a singular dream, which was as lively and as like reality as it was strange. I dreamed that I had died and arrived before the gates of Heaven, where I presented my billet. Saint Peter looked at me, and I was admitted into a wide saloon where an immense table was spread out, covered with the choicest fruits and with crystal vessels filled with the most cooling beverages. I was transported with joy, yet I

asked, "Do people here eat and drink?" St. Peter answered, that those who wished to enjoy those refreshments, as was probably my case, were at liberty to do so, but that those who were unwilling to partake of them felt no evil effects in consequence; life was possible there without food. I went to one of the crystal bowls, and drank in deep draughts the refreshing liquid. I awoke, and found a soldier bending over me and giving me out of his canteen what I long believed to be wine, so deliciously and vivifyingly did it course through every vein; but at a later period I happened to meet the same soldier, and learned that this reviving liquor was simply water. It was extremely hot, and the wounded suffered very much; but this heat, so painful to us, saved perhaps my life, since, without any bandage over my wounds, I soon must have bled to death had not the clogged blood served instead of a bandage, and stopped in a measure farther bleeding.

I succeeded in expressing to the soldier my wish that he would return with some men to carry me away. He promised to return, but did not. I again became senseless, and when I awoke found myself digging in agony in the ground, as I had seen so many of the dying men do in the previous battles. I shuddered, and prayed once more for speedy dissolution. I had fortunately, in my agony and struggle, turned from the precipice; had I turned toward it, I must inevitably have perished. My situation, on a declivity, was such that I could see into the plain of Namur, and I was rejoiced when I saw by the fire that our troops had, by this time, hard pressed the enemy.

My strength was fast going, and when, toward evening, I was awakened by the peasants sent to collect the wounded, but who found it more profitable to plunder the dead, or such of the wounded as could offer no resistance, and to throw both into the fosses, — the common grave of friend and foe, — I could not speak; I felt as if a rock were weighing upon every limb and muscle. They searched for my watch and money, and rudely stripped me of my clothes, which increased my pains and renewed the bleeding of my wounds. At last

I was enabled to move my eyelids; and this motion, as well as, probably, my expression, showed them that not only was I living, but that I was sufficiently sensible to be aware of all the horrors of my situation. When they had nearly finished their work, I heard a loud, threatening voice, a shot, and a scream of one of the peasants, upon which they all absconded.

Soon after, a soldier of the Westphalian militia, himself wounded, dragged himself toward me. He had seen the peasants at their nefarious work, and fired upon them. He saw my helpless situation, and when he espied a surgeon below in the valley, he called to him to come and dress my wounds. "At this hour work is left off," he replied, and proceeded on his way. My protector intended to fire at him also, but his wounds prevented him from loading quickly enough. He promised me to return soon with assistance. I feared he would not return, and saw him, with a heavy heart, disappear behind the trees; but he did not deceive me.

At about nine o'clock he returned — painful as it was to him to walk — with some peasants, who dressed me with the clothes of the dead around me, and made a litter, by means of guns, upon which they carried me into the valley, to a farm where the surgeons were. All the lint had been used, and it was necessary to cut open the uniform I had on and employ the wadding of it as a substitute. A sutler tried to make me eat small crumbs, but I could not move a single muscle without great pain.

A short time after, a false alarm spread that the French were coming up again. Wounded soldiers are full of apprehensions, and the rumor was believed. I implored my kind friend — for I had by this time somewhat recovered my speech — to take me away. I feared nothing so much as to be taken prisoner when wounded. He fetched a wheelbarrow made to carry lime, got me into it as well as he could, and carried me to a farm at a distance from the main road. My pains during this time were excruciating; my bandages fell off. On the road to this farm we met a wounded

sergeant of my company. I heard the militia-man ask him whether he knew me. He answered in the negative, and I could not tell who I was. My head had struck against the wheel, and my wound had bled anew. "Poor fellow," said the sergeant, "may God assist you!" Then, addressing the militia-man, I heard him express his serious doubts as to the possibility of my recovery, but requesting him to take care of me as long as I should be alive.

The house to which I was taken was full of wounded. My kind companion tried to make some room for me on the ground. It rained hard, and we were exposed to the inclemency of the weather. In the morning my friend left me, after having recommended me to the care of an officer of our regiment shot through the belly. Toward noon a coal-cart arrived, to take some of the wounded to Namur. The officer was carried into it, and I then heard him say, "Fetch that rifle-man;" but those who were to execute his order took another in my place, and I could not speak loud enough to correct the mistake.

By the time that evening arrived, the number of the wounded had greatly diminished; all who could carry themselves to town had done so. Late in the evening the proprietor of the house, an old man, came slowly and shyly into his own house. He made some porridge and, in a manner which betrayed much feeling, tried to feed me; but I could eat but very little. The poor old man had himself a son in the army.

On the 22d, every one was carried out of the house except myself and three others with equally bad wounds. We had not strength to make ourselves sufficiently noticed when the carts arrived. We remained together the whole day in silent companionship; the old man had left the house soon after he had attempted to feed me.

On the 23d, in the afternoon, I resolved to creep out of the door, should I perish in the attempt, in order to stand a chance of being seen by passengers. It must have been more than two hours before I succeeded in reaching the road, though but a few rods from the house; I fell from one swoon

into another. Many persons, passing by, threw money to me, but what was I to do with money? At last, two soldiers of my company, who had remained in Namur to have their rifles repaired, passed by. They could not recognize me by my features, because my face was incrusted with blood and earth, but they knew me by my boots, which the plundering peasants had not succeeded in pulling off. It was my custom, in order to protect the soles of my boots, to drive nails in, all over them, and every evening I used to put in a new nail, wherever I found the head of an old one gone. This had given them almost the appearance of a steel plate, and, as they could be plainly seen by passers-by, did me the essential service I have mentioned.

As soon as the soldiers recognized me, they managed to get a stable-door, begged a wounded soldier who was passing by to serve as my escort, and obliged four persons going by to carry me to Namur. Whenever we came across any one on the road, one of my carriers was allowed to depart, and the new-comer obliged to take his place. When we arrived at the house where my wounds had been dressed on the evening of the 20th, we found a cart literally crowded with wounded French; but it was necessary to make room for me, and it was accordingly done. The dipping motion of the two-wheeled cart, the jolting on the paved roads, such as they are in that country, was excessively annoying to us, and made the French scream lustily, at which a soldier of our regiment, the only Prussian besides me in the cart, and himself very grievously wounded, swore in great anger.

When we entered the city of Namur the inhabitants showed much kindness to us, — so much, indeed, that it became annoying. One man, I think he was a hair-dresser, insisted upon washing my face, though I told him that every touch he gave caused me great pain. The French were carried to their hospital, but the Prussians were obliged to proceed. We were taken to the Meuse, where two vessels, chained together, received the wounded. Two girls endeavored here to dress my wound, and changed my shirt, stiff

with blood, for a clean one. I thanked the kind souls; and they gave me, in addition, some currants. In the vessel I found many of my comrades. The sun was very hot. Toward evening the vessel in which I was drew water, besides which it rained. We suffered much. At Huy, where we arrived at about midnight, we received some bread, but we wanted surgeons.

In the morning, at about eight o'clock, we arrived in Liege. The inhabitants received us with all possible kindness. I was carried into a house where I found four or five wounded, and two young ladies busy in dressing them; some of the wounds were already in a most disgusting state. After they had dressed me as well as they could, I said to one of my comrades, a schoolmate of mine, that I needs must try to get to the hospital; my wounds required proper attendance. He, wounded as he was in the thigh, tried to support me in getting there; but soon after we had left the house, I fainted away. A lady, who found me in this state, ordered me to be placed on a litter; and, when my consciousness returned, I found myself on my way to the hospital, which was established in an old convent. The large bell was rung, the doors opened, and I was carried into the yard; I felt very unhappy. The hospital was so full that I was placed, with many others, on straw in the yard; besides, the uniform I now had on did not show my rank. Every morning a cart would enter into the yard, stop in the centre, and the driver would pass along the straw, to see who was dead. If he found one whose life was extinct, he pulled him out and carried him to the cart. The living were very quick to show by their motions that they were not yet ready for the cart.

At length I succeeded in getting a place in the same bed with another. Close to my bed lay a dragoon, whose left arm, shoulder, and part of the chest had been carried away by a shell shot; it was the most cruel wound I ever beheld. I had had a letter of introduction and credit to a gentleman in Liege, whom it was now very important for me to see, in order to obtain the means of leaving the hospital; but my

memory failed me entirely. The cutting off of several nerves descending from the brain, and the ball grazing the skull, must have been the causes. I only regained it afterwards by degrees. But even if I should be able to find him, would he recognize me? Others had not known me in my sad guise; why should he? Yet I was determined, at least, to make the trial. I took a large stick and, slowly dragging myself along, left the hospital. I was obliged often to rest on the steps in the street, and people showed invariably great kindness toward me.

On three different days I made the attempt to find the gentleman I was in quest of, but did not succeed. At last, on the fourth trial, I found the house. I rang the bell with small hope of success. When the servant opened the gate, the gentleman happened to stand on the piazza, and immediately called me by name.

My sufferings were now, for the present, at an end. He gave me as much money as I wanted. I obtained quarters in town, and walked every day to a place where any soldier could get his wounds dressed. While I lay wounded in Liege, one of my brothers was in the hospital of Brussels, and another in Aix-la-Chapelle, — just distributed in a triangle.

Though I remained for a long time under the physician's care in Liege, I returned as soon as possible — and too soon for my health — to my mother, as our soldiers used to call their company. . . .

Owing to my return to the regiment before I was able to support its duties, I fell sick again. I underwent an attack of the worst kind of typhus fever, and was sent to the hospital at Aix-la-Chapelle. I was in a state of unconsciousness when I was brought into it, and remained so several days. When I awoke, and for the first time returned to consciousness, I found myself in a long room, the Fever Station, in which there were above sixty beds ranged along both sides. . . .

I was carried, before my restoration, to the hospital of Cologne, and found again there an apothecary who had

already, in Aix-la-Chapelle, evinced the warmest interest for me, and without whose kind care I think it probable I should not write these lines to you. . . .

It was not until long after peace had been concluded, that I was so far restored to health as to be able to travel home. My family had given me up; letters had miscarried, and the last news they had heard of me was of a kind to encourage them but little; so I truly gave them a surprise. Having arrived in Berlin I went home on foot from the post-office, — the streets, the houses, the shops, everything the same, and yet looking so differently to me. In one year I had grown older many years. I stepped into the house and looked around. It was all as before, — the scenes of my childhood, the walls which enclosed the persons dearest to me. I went slowly up-stairs; I opened the door. "Ah! ——," cried my sister, and fell into my arms. Now I had a dog with me, which a dragoon, who died in the bed next to mine in Aix-la-Chapelle, had bequeathed to me with the broken accents of a man who is fast going. The animal had been at Waterloo, where it had lost the end of its tail by a ball. I loved the beast, so did he me, and when he saw my sister hanging at my neck and sobbing, he thought it was high time to defend his master; so he flew at her, most mercilessly tearing her gown until I saw it, and fortunately before he did injury to herself. The exclamations of my dear sister, the howling of the dog, perhaps my own words, soon attracted all the other members of my family.

CHAPTER II.

A DIARY which Lieber kept during his campaign gives in a very brief form the particulars of the events which he narrated at greater length in the account presented in the preceding chapter. Under the date of June 2, 1816, he has written: "Whitsunday, all went to Charlottenburg. I have been sick for some time;" and a fortnight later, June 17: "A meeting of Turners at Charlottenburg;" and the next day: "Great exercises with singing, — 'Schön ist's, unter freiem Himmel,'[1] 'Was blasen die Trompeten, Husaren heraus,'[2] — a powerful speech by Jahn." These entries are of value because they mention what was from this time to be one of the main interests of Lieber's early life. On his return to Berlin he of course had to resume his interrupted studies, and he entered as a pupil in one of the gymnasia, called the Gray Cloister. It could not have been easy for a boy of sixteen, who had been through the Waterloo campaign, to fall into the calm routine of a German school, and it required firmness of purpose on his part to make the attempt. There are signs that he found the change a hard one; but the school life was quite a secondary matter; the guiding principle of this period of his life came from Jahn.

[1] A song by F. K. Hiemer.
[2] By Arndt.

Jahn had come to Berlin in 1809 to establish a place for physical exercise, and as early as 1811 Francis Lieber, it will be remembered, was one of his pupils. Jahn's plan was an excellent one, and it included much more than mere athletic training. He saw clearly that the whole of Germany needed to be brought into a proper state of enthusiasm before it would be able to resist the French, that the fire and vigor of the invaders could be met only by corresponding ardor; and, while he trained the young generations for the battle-field, he never neglected to appeal to that national spirit without which physical strength would have been vain. He was never tired of preaching the necessity of German unity; he had the keenest admiration of everything Teutonic; he, indeed, advocated the expulsion from the language of all the words and phrases that were derived from the French or even the Latin or Greek tongues. Hence it was that he chose the word *turnen* as the German name for his gymnastic exercises.

Although the word to express these exercises did not come from the French, the notion of giving prominence to physical exercise certainly did. It was Rousseau's "Émile" (1762) that brought forward the education of the young like a new question in the last half of the eighteenth century. In that book, it will be remembered, the all-wise tutor — the immediate progenitor of Mr. Barlow, in "Sandford and Merton," and a long line of flawless descendants — induced his young charge to run races by offering him cakes for a prize, after first showing him how the little peasant boys would win them by their activity. Apparently, it was supposed by the French that Rousseau had gone as far in his recommendations of physical exer-

cise as it was wise to go; and, even to the present day, many French schoolboys have no further opportunity for out-door exercise than is to be found in long walks under the eye of a master. Locke, whose influence is everywhere visible in the "Émile," recommended in his treatise on education that boys be taught dancing, fencing, wrestling, riding, and especially "a trade, a manual trade,—nay, two or three, but one more particularly;" but Rousseau diluted these instructions to the extent we have just mentioned. In Germany, however, circumstances led to the rich flowering of the seed that had been dropped by the French philosopher. The "Émile" was everywhere read; it aroused the greatest enthusiasm; and Basedow,—the singular genius whom Goethe described in the fourteenth book of his "Aus Meinem Leben," and travestied in his "Satyros,"—acquired considerable notoriety by his Philanthropon, a school which was designed after the model that Rousseau had drawn. Basedow has left a sorry reputation behind him, but he deserves some credit for introducing athletic culture into his school. Some of his teachers helped the movement in less eccentric ways. Salzmann, for instance, with the aid of Gutsmuths and others, taught something very like what we nowadays understand by gymnastics. It was Jahn, however, who made the most impressive statement of the advantages of physical training, who gave it its real place in the education of the citizen, and made it a part of the drill by means of which Prussia made its wonderful recovery after the collapse at Jena. His personal influence was very great, and after the fall of Napoleon his whole aim was to establish the unity of Germany.

Lieber, although in years hardly more than a boy, had

been ripened by his military experience, and became an enthusiastic advocate of freedom. He was unwearied, too, in his devotion to gymnastics, under Jahn's guidance. The place where Jahn taught his pupils was in the Hasenhaide, just outside of the southern gates of Berlin. There the young men met in great numbers, being doubtless quite as much attracted by the charm of their master's conversation as by their interest in athletics; for soon after the Waterloo campaign his zeal for freedom began to acquire the flavor of forbidden fruit.

In the summer season the young Turners would spend the Saturday nights in the Hasenhaide, exercising together until a late hour, when they would lie down to sleep around a great fire. In the morning they would re-enter the city to listen to the preaching of Schleiermacher or Jänicke. The youthful enthusiasm against the political reaction, which was spreading over Germany, found expression in religious zeal. Lieber was a warm admirer of Captain Von Plehwe, who was first a friend and then a bitter opponent of Schleiermacher. Many of the young Turners attended his prayer-meetings. They also published a book of songs for Turners, "Lieder für Jung und Alt," ("Songs for Young and Old") which contained a curious medley of songs in praise of love, patriotism, and religion, together with some of a convivial nature. Jahn, however, rather frowned upon the volume, probably foreseeing, with his fuller knowledge of the world, that his pupils would bring themselves into ill repute with the authorities. With Lieber he continued to be intimately allied, and he selected him as one of the party to visit Neu-Strelitz, Rügen, and to make a journey through Silesia, for the purpose of arousing in these places an interest in gymnastic exercises.

The expeditions fully accomplished their purpose, and the members of the Turners increased rapidly.

Meanwhile the Liebers' house in Berlin was the place where the young adherents of Jahn assembled, and doubtless discussed what in those days would have sounded like treason. The government was learning to look with great disfavor on the spirit that animated the growing generation. The authorities saw, or thought they saw, Jacobinism in the way the students expressed their dissatisfaction with the state of affairs. Their wrath seems, however, to have been singularly disproportionate to the real offence, although it must be confessed that Sand's murder of Kotzebuë was an incident that could hardly fail to fill the timid with alarm. This assassination seemed to confirm all the fears of the rulers and to establish the necessity for rigorous control of the young men. In the universities the Burschenschaften were forbidden, and in 1819 the order was issued that all the *Turn* grounds in Prussia should be closed. It was not till 1843 that the government permitted them to be reopened.

More than this, Jahn and Lieber were arrested in July of that year as dangerous enemies of the state, and for four months Lieber was confined in a Prussian prison. No more satisfactory cause for this action was assigned than a vague suspicion that Lieber entertained unpatriotic sentiments. All his papers were seized, and among them his Journal in which he had once made the entry, "all day murder lazy [*mordfaul*]." This the police marked with a red pencil, and the judge, who seems to have been unfamiliar with students' slang, plied him with questions about the real meaning of the phrase, suggesting that it meant "idle in plotting the death of his superiors, lazy in

murderous thoughts!" The government, moreover, in order to show how dangerous a foe he was to society, printed some of the songs which Lieber had composed, after the fashion of youths of his age.

These were light matters; but besides the practical inconvenience of four months' imprisonment, Lieber was forbidden to study at any future time in a Prussian university. This was a serious matter, for he was hereby debarred from all hope of an appointment in Prussia, since this could be given only to one who had taken a three years' course in a university.

To be sure the police had found nothing that could criminate the young Liberal, but he was punished thus severely for being a suspicious person. Being unable to study in Prussia, he made application for admission to Heidelberg, which was refused, and then he tried at Tübingen, but with the same ill success, and consequently he betook himself to Jena, where, in 1820, he received a doctor's degree. A letter from the Minister of Instruction to Francis Lieber's father, dated July 24, 1820, informed him that his son was forbidden to go to Heidelberg, that he must leave Jena and proceed to Halle; that he could never claim a position as instructor in Prussia, and consequently would be obliged to direct his studies toward other subjects; and that the question whether he should ever be allowed to study at the Prussian universities was left dependent on his future conduct. The letter closed with the threat that any return of young Lieber to his former errors would be severely dealt with. So much interest does a paternal government take in its wayward citizens, especially when they give tokens of ability. These were the circumstances under which Lieber carried on his

studies. As will be seen later, in a paper in which he recounts his life as a student, he gave his attention especially to the mathematics at Jena, Halle, and, in 1821, at Dresden. It was while he was in this last-named city, by permission of the Prussian government, that he determined to join a band of Philhellenes who had determined to offer their services to the Greeks in their struggle with the Turks. Although it was not easy to live in Germany at that time, it was even harder to leave it. In order to get away, Lieber was obliged to resort to an ingenious device. He secured a passport for Nuremberg, which should be good for only a fortnight. When he had once got it in his hands, he poured the contents of an inkstand on the words that limited its serviceability, and by having it signed as often as possible between Dresden and Nuremberg he gave it the appearance of a paper that was familiar to the police. When he reached Nuremberg, he explained away the suspicious blot as an accident of a clumsy official, and got the paper signed for Munich. At that place he visited the legation at the dinner-hour and, alleging great haste, had it made good for Switzerland. Then he went on foot through Switzerland and to Marseilles, where the Philhellenes were assembling.

The following letter to his parents will show the spirit that animated these young men, and the hopes with which they undertook to strike a blow for freedom in the only place where it seemed that their efforts might count. It is pathetic to compare their glowing expectations with the petty result.

Marseilles, December 10, 1821.

My dear Parents, — Seventy Germans have taken passage, and there are besides Danes, Poles, French, Italians

— majors, captains, lieutenants, and private soldiers. We had a meeting, and five of us were appointed to draw up regulations for the maintenance of order. Three Germans were selected, and I am of the number. The five have command of the whole company; one has been made major, and two are lieutenants.

This choice shows the spirit that prevails among us. The French merchants have done nothing toward our equipment, and only the Germans and Greeks assist us. For those who have no money the others have hired three rooms, and there they sleep on straw. No lieutenant is ashamed to buy meat and vegetables, and cook them himself. You can judge from our first rule what good discipline is maintained, namely: "all, irrespective of rank, must submit to the regulations."

You know how fondly I love you, and how much I regret that the step which I have taken has given you pain. You have nine children besides myself, and grandchildren, too, to comfort you. Do not distress yourself about the one who has enlisted in this cause; rather rejoice that he has been allowed to fight for freedom and Christianity.

The leaves I send you I picked on the German frontier; give one of them to Jahn, and tell him I promise him again to be firm to the last. I still preserve the ivy leaf given to me by his wife, — and your ring, dear mother. I shall take them both with me, they are now of such value.

Saturday, December 16. — We are still here, but we hope to set sail next Wednesday. I have detained this letter, hoping to give you news of our departure. Just as I was on the point of posting it I received one from you; I cannot tell you how happy it made me. If either of you should go to Halle, ask Rauh to give you the cane which Jahn cut for me in prison, and at parting gave to me with the words: "Wandere in die Welt, und werde ein Mann."

Thank Schleiermacher in my name, and if you see any of the Turners remember me kindly to them. Yesterday we saw a frigate launched to be used in the service of the Turks. It was an imposing spectacle to see this huge ship glide into

the water, and to reflect that it was to be used against us, and against freedom and right.

I received a letter of introduction to Ypsilanti to-day.

Farewell,

FRANZ.

It was nearly a month, however, before the little company actually set sail for Greece. The story of their misadventures is told in the following extracts from a book [1] which Lieber published shortly after his return, with the hope of saving others from a similar experience. The contrast between the Greece of these young men's dreams and the actual Greece was enormous. All the rest of Europe lay under the bondage of the Holy Alliance, which the various monarchs had formed, after the overthrow of Napoleon, for the purpose of quelling anything like the love of liberty. The foreign tyrant had been expelled, and in his place there appeared only a new form of tyranny. The people who had learned to look upon liberty as something admirable, found to their disappointment that they had merely changed masters, and that all their zeal for freedom was only allowable when it was expressed against foreign foes. One of the most lasting signs of the effect of this reaction is to be seen in the literatures of England and Germany. It would be easy to forget the political complications of half a century ago, but Byron and Shelley will keep ever fresh in the minds of men what it was from which they broke loose with so much violence; and the reader of German poetry can never understand the

[1] Tagebuch meines Aufenthaltes in Griechenland während der Monate Januar, Februar und März, im Jahre 1822. Leipzig: Brockhaus, 1823.

A Dutch translation, entitled the German Anacharsis, appeared in the same year at Amsterdam.

"Weltschmerz" unless he knows how the spirit of reaction lay like a pall over Europe at that time.

This dense gloom was broken by hearing of the uprising of the Greeks in the spring of 1821. News of the atrocities committed by the Turks filled all with horror, and it is not strange that adventurous spirits, who found life hard under the control of the police, should yearn to aid the descendants of Leonidas and Themistocles. As Sainte-Beuve has said,[1] the expedition to Greece was, for the old soldiers, an opportunity for the honorable employment of the yet unrusted sword, — for the young men, the unexpected fulfilment of a noble dream, their baptism and consecration in a great cause.

What they found in Greece was a great surprise to them. As Colonel Napier said of them: "All came expecting to find the Peloponnesus filled with Plutarch's men, and all returned thinking the inhabitants of Newgate more moral." That they had good reason for dissatisfaction the following pages will show.

On the 10th of January, 1822, we, a company of thirty-four young men, including six Frenchmen, three Poles, and the rest Germans, sailed from Marseilles in a small brigantine furnished by some merchants of Marseilles, and the German societies. We were most of us armed with weapons suitable for mountain warfare, carrying belts, daggers, pistols, swords, and guns; but we did not all have powder. It must be remembered in reading this account that many of us had been detained two months in Marseilles, waiting for an opportunity to embark for Greece, and had no money for purchasing powder in large quantities. . . .

An engineer officer had procured in Paris the best and most useful instruments, and, besides these, we possessed

[1] Nouveaux Lundis, vol. v. p. 310.

several maps, box-compasses, spy-glasses, and other things required in war. From lack of money, and also because we should be obliged to carry everything ourselves, we could take only a few books, and we did not supply ourselves with any works on ancient Greece, excepting "The Voyage of Anacharsis."

Our ship sailed fast, and on the 20th of January we saw the sun rise over the hills of the Peloponnesus. The morning was very beautiful. We could see Cephalonia, Zante, and, to the northeast, the snow mountains of Achaia and Elis. Contrary winds prevented us from landing. The next day we saw the mountains of Messenia clearly, and with our glasses and by the help of our charts we could distinguish the town of Navarino. We arrived in this port at noon, and found there two English men-of-war, and other vessels. As soon as the "Little Mary," the name of our ship, ran up her flag, small boats came out to us to ask for news, as is the custom. The English scrutinized us first through their spy-glasses; and then two officers came on board, and gave us a very disheartening account of the condition of the Greeks, and described them as great rogues. They pitied us, they said, and declared that we were certainly going to our destruction. But who of us believed these Englishmen, and who, knowing England's attitude toward the Greeks, could put any faith in the words of officers who were in her service?

A Prussian cavalry officer whom we had chosen as our leader, together with a lieutenant who had been a candidate for the ministry, a French officer, and the brother of the captain went ashore to announce us and obtain information. Toward evening two of them returned and brought us very cheering news. It was a night that will never be forgotten. All the afternoon we had been anxiously watching and waiting for them to come back, and the pleasure that I had in listening to their account on this starlight night made the deepest impression upon my mind. Our envoys had been well received, and they found a Corfute at once who, like all

his countrymen, spoke Greek and Italian, and promised, in the name of the commandant, to send a bark to take us and our luggage to Navarino the next morning. We were promised two days' rest there, — horses, provisions, and all that was necessary for our expedition into the interior. He sent messages of welcome and hospitable offers. Our joy was so great that we rushed into one another's arms. The next morning, the 22d, we all agreed to make our luggage as light as possible, in order to be prepared for our marches in the mountainous regions, and to give all that was left of our provisions to the captain. We waited until noon for the arrival of the bark. Most of the men became so impatient that they took our boats and went ashore. I was among those that remained. Finally, at 3 o'clock, the cavalry officer I have mentioned returned with the information that we were to attack Modon in two days, and then proceed further. All shouted for joy. With singing and firing of muskets we landed at Navarino. The others were awaiting us, and one of them had already been received in the true Grecian style — he had been robbed. We were directed to an empty Turkish house. No food was given us; and if it had not been for the generosity of one of the company, we should have gone to bed hungry. The promise to send the bark, and to supply us with food, was not kept; but I shall not mention in future similar falsehoods, for they occurred daily during our sojourn in Greece. . . .

In the evening, the inspector came in and ordered the sentinels to be withdrawn on account of the rain. When we at last persuaded him that it was necessary to be particularly watchful in such weather, he consented to lead us as it was his duty to do. We found all the men under shelter away from their posts, and when we remonstrated, they answered: "The Turks cannot come to-night; it is raining too hard." This reminds one of the ancient Greeks, and that the Lacedæmonians were the only ones who did not dislike the rain, and so often took advantage of the rainy nights to make their sudden invasions. On the 28th we received our pass-

ports from Merkatos, who was a Count, and had been a long time in Paris. . . .

He came to us in the evening, and asked if we would mount guard at the Citadel in the place of the Greeks, who, in anticipation of the festival the next day, had all got drunk. We refused, as we intended to leave the city the next morning. Before he consented to our departure he advised us to consider well that we should fare much worse with Ypsilanti, and it was his opinion that we had better remain. But we felt we should not lose anything by the change; for the laziness, cowardice, and untruthfulness which we had witnessed and suffered here, could not be exceeded anywhere else. Besides, we wished to know something about the Senate, since no one here had any knowledge of where it was sitting. . . .

At eleven o'clock, on the 29th, thirteen of us left Navarino. The Governor said he was unable to furnish us with horses, and they were not obtained until a few of our number, who had money, promised to pay for them. A few hours from Navarino we came to the road which leads from Modon to Arcadia and Tripolis; here the drivers wished to return on account of the rain storm. . . . We could, of course, not permit this, and continued our march, crossing torrents and wading through the water, which was up to our waists. There were never any bridges, and sometimes the Greek peasants were induced to carry us. . . .

On the 30th we arrived at Nissa, a larger port than Navarino. The cavalry officer gave the letter of recommendation he brought to the Bishop, and we received permission to lie on the bare floor of a coffee-house. Eggs and pillau were furnished us, and we were promised horses for the next day. We left Nissa the morning of the 31st, and reached Kalamatia in good season. . . . After some delay, we were directed to a house whose former occupants had died of a contagious fever; it was a filthy abode. Early the next day we looked for the Bazaar in order to purchase some Muscat wine, for we had all been thoroughly chilled, sleeping without any

covering in such a miserable house. I met later a municipal officer who spoke French, and endeavored to get some information about the city government. When I asked him where the Senate was, he told me that he knew no more about it than any one in Kalamatia. . . .

Thus far we had obtained money for our journey by selling our clothing and watches, and everything else we could spare.

They continued their journey to Tripolis, passing through small villages till they came to a deep defile on the road to Leondari, where there was a robbers' den. The Journal now continues: —

Here, in the defile, one of our drivers, who had deserted in the night, had brought together sixty armed peasants, who took our horses from us, threatening to shoot us if we made any resistance. . . .

On the 4th of February we returned to Kalamatia. As we were now utterly disgusted with all the obstacles that had been put in our way since our arrival, we spoke in strong terms to the magistrates. They promised to provide an escort, and a horse for each one of the party, so that we might travel rapidly to the Senate and get redress for the robbery which had been committed; but these were all lies. The cavalry officer, whose situation was worse than ours, for he had left a wife and child at home, found a ship about to sail for Malta, and wished to return home; others, who had nothing more of their own which they could sell, turned back to Navarino. We who remained were compelled to sell our arms, painful and disgraceful as it would have been in any other case, for we were aware of the necessity of procuring money if we wished to proceed on our journey. They were sold at a great profit by one of our company, who was the broker on this occasion. I determined, if there should not be any opportunity to engage in warfare, to travel with one of my companions, a physician, and we decided to see

Athens. We made a common purse, and henceforth divided the expense equally. . . .

We left Kalamatia on the 7th of February, and walked rapidly to Leondari. Left Leondari on the 8th, and late at night arrived at Tripolis.

During the four hundred years' undisturbed dominion of the Turks, not one single fine edifice has been built by them. There may be some exceptions in Constantinople, but all the buildings have been planned by Greek architects. . . .

The magistrates were not willing to give us any provisions except bread and wine on the 10th of February, as it was a fast day. There are only one hundred and thirty-five days in the year when the Greeks do not fast, and their church is more stringent than the Roman Catholic, for they are only allowed vegetables, oil, and shellfish. We appeared like heathen to them, eating meat on such days. When I went to seek the magistrates I found them all sitting in one room. One of them was the scribe. He carries, like every Greek, whether priest or peasant, his writing materials, consisting of a brass pencase and inkstand, in his belt near his weapons. As soon as he has anything to write, he squats down, places the paper on his right knee, and draws it along with his left hand, the right remaining motionless. They use turkey-cock quills for pens. In Greece, as well as all western Asia, the method of instruction prevails which has become known under the name of the Lancastrian system. Any one who can write is called a grammarian; and I have been often surprised to find that many of the peasants, and the women frequently, could read and write with the little instruction they receive.

At nine o'clock I went to church. The dirty priests, the strange, profane gestures, the frequent kissing of the pictures, the continual crossing and kneeling of the whole assembly, the nasal twang of the priests, and the equally disagreeable responses of the congregation made a very painful impression.

The women sat in the gallery, and were concealed by

lattice-work. A few persons sang the Epistles and Gospels in quick measure. After the service, a proclamation was read, appealing to the patriotism of the people, and urging them to take arms and follow the example of their brave forefathers, Leonidas the Spartan, Themistocles and Aristides the Athenians, and, strangely enough, Alexander of Macedon. It might have been more to the point to have reminded them of their shameful Byzantine history, instead of flattering them with references to unintelligible names, and to have tried to rouse in them fear and dread lest that period return.

We could not get a horse, and were detained here in Tripolis another day. In the afternoon the rumor was spread that the Turks had landed at Kalamatia, and we heard in the evening of the arrival of General Normann at Navarino. . . . . I happened to be in the Coffee House when the order was issued that the Turks should all be shut up in one house. I asked several people if they were taken away in order to be beheaded, and they answered: "No, let them live until the Turks draw nearer."

We left Tripolis on the 12th of February.

They soon reached Argos, where they passed several days, going on to Corinth, &c. A few pages of the Journal are here omitted.

We conversed with other men, who had come here of their own accord, about the present aspect of affairs, and they entirely agreed with our resolution that it is best to leave Greece. We therefore made up our minds, two of us, to travel through Bœotia, Phocis, and Etolia. If any chance of fighting should offer it would be all the better; if not, we determined to continue to Missolonghi and sail from there to Ancona. . . .

Late in the evening we found a ship bound for Salona. I was so exhausted and worn out, after I got on board I fell asleep and slept uninterruptedly for forty hours. . . . When I awoke the ship lay at anchor. We were landed at

Skala, and we made our way to Salona on foot, a half an hour's walk from Skala. . . . After reaching Missolonghi we learned that a ship, hired by the wife of Logotheti, the friend of Ali Pasha, was to convey forty Greeks to Ancona, and that a few of us could take passage in her. We resolved to take this opportunity, and paid double the price usually asked for this short voyage. On the 21st of March we passed between Ithaca and Santa Maura. The sailors knew the story of Ulysses and Penelope. Afterwards one of them related to me, in the form of a fairy tale, the Rape of Persephone. Our store of provisions consisted of nothing but bread, owing to our penniless condition. The Greeks cooked and fried their food, and did not offer us a morsel during the nine days' passage. But this book has given a detailed account of our experience in Greece until our departure, and therefore it is unnecessary to relate the suffering we endured at the hands of this people during these nine days, and the forty-one we afterwards spent with them in quarantine. During our quarantine an order was received from the Pope to close the port. Thus the Greek fugitives were denied entrance to all the ports on the Mediterranean excepting the distant ones of Marseilles and Leghorn.

What shall I now say in conclusion? My painful duty is accomplished if I have shown the true state of affairs and proved: 1st, that the cowardice and incapacity of the Greeks made them unfit to defend or free their country; 2d, that no individual, not even an experienced commander, could assist them; 3d, that a small army, properly equipped, might scour the whole country and rescue it; 4th, that by this means the country may be preserved to Christianity.

CHAPTER III.

In his "Reminiscences of Niebuhr,"[1] Lieber has recounted his difficulties in reaching Rome, whither he bent his steps after leaving Greece. As we have seen, he spent forty days in quarantine at Ancona, where he arrived with but a scudo and a half in his pocket. He remembered that a friend of his had written to him that he proposed giving up the study of law and taking up painting; and Lieber, judging that his friend would probably be in Rome by this time, wrote to him, in the care of a celebrated artist living in that city, in the hope that they might be acquainted. Fortunately this letter reached the friend, who sent a good sum to Lieber. His difficulties were not over yet. His passport was not in regular form. On leaving Germany as we saw, he had been given a permit to travel for but a fortnight; but he had spilled ink over the words which limited its validity, and then by choosing the hour when the chief officials would be at dinner, he had got it signed by various underlings until it seemed to be an authoritative document. On reaching the French frontier he had been given a provisional passport. Moreover, the officers at Ancona had recently received the order from Rome that strangers arriving from Greece were to be sent straight home. He got permission, however, with a friend

[1] London (Bentley) and Philadelphia, 1835.

of his, a Dane, to go as far as Orbitello, which lay in Tuscan territory very near the Papal boundary. At Nepi, near the division of the roads, they told their coachman that they intended to go to Rome and not to Orbitello. They sprang from the carriage and made their way to the great city. Still the permission of the police was necessary before he could reside here, and in his despair he visited Niebuhr, then Prussian minister at Rome, and disclosed his condition. Niebuhr interested himself in him, obtained the required permission from the proper authorities, lent him some money from a fund in his charge for the benefit of distressed Germans, and, more than all this, invited him into his own house to take the place of tutor to his children.

Niebuhr's feeling about Lieber may be gathered from the foregoing, and from the letters to his sister-in-law, from which these extracts are made. Under date of June 7, 1822, he writes : —

A young man has lately arrived, — a Mr. Lieber, of Berlin, — who had gone to Greece as a volunteer, and has returned, partly that he might not die of starvation, partly because he found the boundless corruption of the Moreans, and, withal, their cowardice, insufferable. His veracity is unquestionable, and the horror which his narratives inspire is not to be described. . . . All this has plunged him into deep melancholy, for he has a very noble heart. He has deeply moved and interested us, and we are trying to cheer his spirits by friendly treatment, and to banish from his thoughts the infernal scenes which he has witnessed. He is one of the youths of the noble period of 1813 (when he served in the army and was wounded) who lost themselves in visions, the elements of which they drew from their own hearts ; and, in this terrible contrast between his experience and all that he had imagined — all that impelled him into distant lands —

has broken his heart. He is now here in a state of destitution. I shall at all events give him aid; but I mean to propose to him, in the first instance, to come to us and assist us in instructing Marcus and in my literary labors. He was arrested during the unhappy investigations of 1819, but dismissed as innocent.

Again, June 22: —

I returned from Tivoli yesterday. . . . Marcus, Bunsen, and Lieber accompanied me. Lieber has now taken up his abode with us. I can intrust Marcus to his care with confidence, and the child, too, is already fond of him. I hope to rescue the young man from utter dejection and to convince him that, just as his experience taught him the visionary nature of his own wishes and expectations, so he would have made the same discovery in any other nation where the masses are liberated from all forms; but that the noble and beautiful are not a dream, and will never be wholly wanting in the world, however terrible may be its condition. A young man of warm feelings must be convinced of this truth, before you can attempt to prove to him that the evil which prevails so widely could not be found among the rulers unless it existed in the multitude, that change of form can bring no deliverance unless the individual can be first improved.

It was by Niebuhr's advice that Lieber, during this winter, prepared his Journal in Greece for publication. How full of delight this year was for him may be gathered from these few extracts from the Diary he kept at the time: —

June, 1822. Went again to Thorwaldsen's studio. I cannot agree with Niebuhr's opinion of the antique or of Thorwaldsen. He says Thorwaldsen lacks the plastic certainty which the ancients possessed in such a high degree, and his work is all upon the surface. The work of the ancient masters is different; it looks as if it had grown from within. I do not understand this. While I was looking yesterday at

Thorwaldsen's Shepherds and Graces I quite forgot myself, and could fully understand how that ancient sculptor fell in love with one of his own statues. A shudder comes over one at the thought that they are only stone, and are subject to the laws of all mechanical creation.

On Sunday I spent half an hour at the capitol; saw only fragments. The mouth, chin, and cheeks of the colossal Claudius resemble Napoleon's. It is peculiar that he had a large, round chin, like Caracalla and Domitian, yet he was not cruel. . . . Gikas introduced to me by Buchholz. He went to Greece earlier than we did, and has just returned. He gave up a good property, and went off with great enthusiasm; now is back again.

June 22. Moved to Niebuhr's. . . .

July 2. Kellermann says that five of our comrades have been killed in Greece. . . .

Dittmann has written to the association to use the money to assist our men to return. Everything is in a desperate condition. . . .

September 4. The news received that near Arta, on the 16th of July, out of two hundred and eighty Germans all but sixty have been slaughtered. These, with Normann, escaped into the mountains. . . .

September 18. Went with Niebuhr and his family to Albano, to the palace of the Consalvi. Beautiful sunset and view of the sea. Marcus already says: "Il tuo caro Mare, il tuo Mare." Pleasant reception at the palace. From my window a view of the town, Monte Sevello, the plain, and the sea. I thought, during these two weeks in Albano, I could forget everything connected with my experience in Greece, and breathe freely for a short time; and now comes the "Diario di Roma," confirming the rumor that R. is in Argos.

September 20. With Niebuhr, Amalie, and Marcus [Niebuhr's two children] to the Rotunda. The church door is ornamented with a beautiful frieze. Niebuhr thinks the old walls we saw were part of a bath built for the Germans in the time of Domitian.

Niebuhr says nothing can be accomplished for the welfare of Italy until the priesthood is suppressed. This could be done gradually by allowing the monks to leave the cloisters with a pension. If a whole cloister should disperse, a certain sum should be divided among the monks in proportion to the income of the cloister. The princes, for instance the Chigi and their descendants, might be taxed for this purpose.

September 22. Went early in the morning on horseback to Ariccia, Genzano, and Velletri. This is the capital of the ancient Volscians, and is beautifully situated on a hill. By way of Giullianello to Cora — cyclopean walls, Temple of Castor and Pollux. Bought Niebuhr a knife which had only been used at sacrifices in time of peace.

September 23. . . . To Nemi; thence to Genzano. The way through the woods said to be very bad. I had with me an old map of 1693 which might well be used alongside of the modern one. In the evening returned to Albano. . . .

September 25. Returned to Rome. . . .

September 29. One seldom sees such a sunset as that today, or the sea so beautifully colored. Went in the afternoon to Laricia with Schroeter. Met a fat priest who, with six hundred others, had been to Corsica in 1810, because they would not take the oath of allegiance to the emperor, who was enraged against them and treated them very badly. The number I found afterwards to be greatly exaggerated. They daily receive one franc. Now they are again in Laricia, where there are one thousand inhabitants, and in Albano. Terrible that such a poverty-stricken town should have to support twelve of these priests, who are better clad and better fed than the inhabitants. What do they do in return? They do not till the ground; they do not build or instruct; they do nothing to preserve order. Well, what do they do? They hold daily two services. . . .

October 2. That the Romans understood surveying is proved by the Albano viaduct. There are also many other

proofs of this here. Levelling they must have perfectly understood, as the aqueducts of Rome prove. Niebuhr says that the Romans surveyed the Transylvania Alps.

October 3. Went to the Parc Chigi. Everything wild and beautiful. What growth, what luxuriant foliage. We do not find this wealth of vegetation in Germany. . . .

April 3, 1823. Marcus and I went to the lighthouse.

April 4. Early in the morning a sea bath. . . . Even the children in Naples do not eat at home. They come out with plates on which are pieces of bread, and sour milk is poured over it by old women who go about selling it. To the museum with Niebuhr to see the old bronzes. What a disproportion in some of them. This is not to be wondered at since they were so cheap. Niebuhr tells me a life-size figure cost only one thousand drachms.

April 5. On the Molo saw a singer who was reciting a canto from Tasso; sometimes he gives Ariosto. Another sang from a manuscript. These men are usually rather old and wear spectacles; their voices are poor; they sing and read, and often explain passages. It is interesting to watch the crowd about them.

April 6. To Pompeii with Niebuhr. . . .

April 17. About half-past four, to the Carmelites. Found my way alone. There are thirty-five monks living in the monastery. . . .

I was taken to the garden on the summit. Was there ever such an atmosphere! Before us was a beautiful expanse of blue sea. . . .

Dante's guide must often have gazed on this scene, and his eyes wandered daily over these lovely spots. Wise Dante! why were you never here? Your gentle leader would again have appeared to you, and have shown you his country and his sea.

April 24. With Niebuhr and our French friends [Count Deserre, minister to Naples, and his family] to Pompeii. I have now a very clear idea of the town. It is very true, what Goethe says, that "in Resina and Torre del Greco one

sees the same kind of houses, with only one room and without windows, as in Pompeii." The outside wall is built of volcanic stone, which is perforated with little holes. Took breakfast in the soldiers' barracks. . . .

It is true, and always will be, that the first impression French people make on one, is very agreeable. The Countess was very affable and pleasant. None of them seemed to take any interest in antiques except the ambassador, who did look at them. Louisa is a dear little thing. Every one thinks her too great a romp, but I have noticed mischievous children are always good. How sensible the little creature was in her questions. The Countess Deserre seated herself on the wall of the amphitheatre, and the following is what passed between us: —[1]

Countess. You have been in Greece?

Lieber. Yes, Madam.

Countess. Were you in Athens?

Lieber. No, I went through the Morea, but it was impossible to go to Athens.

Countess. You studied at Jena? [observing my wound.] How does it happen that all the young men who went to Greece had been at Jena?

Lieber. No, Madam; I was at Jena, but there is no connection between Jena and Greece.

Countess. You know Mr. Sand? . . .

It is the most difficult task to impress a truth upon people; but how an error clings to them! Even when the error has been proved, it will often take more than a century to wipe out the blot it has left. The same thing is true in science.

I have been reading the story of Sofronia and Olindo, with Marcus. How is it that Tasso has acquired such fame? If he had written shorter poems, he would have succeeded

[1] This Journal was taken possession of by the police while I was in prison at Köpenick, and down the side of this page, where I had written the conversation between the Countess and myself, they drew two long red lines. This was probably to attract attention to it as something treasonable.

better; but for an Epic greatness, simplicity and wisdom are requisite. He lacks all three qualities.

April 26. To Herculaneum with the Niebuhrs. Only the theatre and a few rooms have been excavated, and these are only partly opened. The stream of lava must have been enormous. Can it be that the lava flowed into the theatre until it was full?

April 29. To the museum to look again at the bronzes. One never tires of this place. The Pompeian houses, filled with these ornaments, must have been most attractive dwellings. . . .

May 5. Left Naples. . . .

May 8. The last glimpse of the sea. Rome was so beautiful in the morning light. It seemed all the more attractive to us, coming from Naples. . . .

May 12. To the capitol with Marcus. Bathed in the Tiber. With what regret every one takes leaves of Niebuhr.

May 13. Farewell to Rome. . . .

May 16. Suddenly to come upon a Gothic church, with its painted windows and ogee arches, is not a pleasant sensation, I must confess, after being in Rome. Niebuhr's feelings were just the contrary. My mind was filled with the grand, symmetrical lines of the basilicas. . . .

May 17. Passed a town on the shore of Lake Thrasimene. Niebuhr described the battle to me. He believes it was fought along the lake as far as the Tuscan boundary. To Castiglione. . . .

May 19. Arrived at Florence.

May 20. Went to the cathedral and the top of the tower. . . . Beautiful walk along the Arno. No city can be so well compared to Athens as Florence. I was deeply impressed when I saw for the first time some of the finest buildings. If Dante had only appeared and been my guide! Giotto's Tower is so beautiful one ought to see it often. How beautiful the proportions are by moonlight! The cathedral is both Corinthian and Gothic. Thank God, they did not finish the

wretched façade as they intended in the last century. Saw Giotto's grave, the picture of Dante and others. . . .

The Loggia of Orcagna has given me a new impression of the diversity of the Gothic style. . . . The Medusa is very fine, and I enjoy Lippi's pictures. I see that Raphael, Michael Angelo, and Da Vinci did not attain such perfection unaided. They were preceded by great masters. . . .

To the galleries. The room of bronzes. Mercury, by John of Bologna, looks as if he were flying. Saw a Punic helmet, an eagle of the Twenty-fourth Legion. . . . The Dürer here is not one of his best. The Correggios are not equal to those in Dresden, nor the Raphaels to those in Rome, or the Madonna di San Sisto. Leonardo is always the same. He has put into his pictures a noble repose, and much more that cannot be described in words.

May 28. Breakfast in Prato. The pulpit in the cathedral by Niccolo Pisano. Three chapels with pictures by Lippi. Began the ascent of the Apennines in the afternoon. Spent the night in Barbarino. . . .

June 4. By Peri, passing into the Tyrol. Borghetto the first town we entered in the Tyrol. Dined here, and slept at Revoredo.

CHAPTER IV.

Few ever leave Italy without regret, and Lieber may certainly be excused if he felt some sadness at the close of what was almost the only holiday of a busy life. After the bitterness of the Grecian experience, he had thoroughly enjoyed the charm of the society he met in Rome, to say nothing of the other fascinations of that city; and it must have been with feelings of gloom that he returned to Germany and to the care of a more than paternal government. It was on the 10th of June, 1823, that he parted from Niebuhr and his family at Innspruck, and made the rest of his way alone. He arrived at Munich on the 14th. His Diary says: —

A delightful interview with the great artist Cornelius, whom I found surrounded by his pupils and full of hope for the growth of art in Germany. His wife is a charming woman, so full of her recollections of Rome that we naturally found much to talk about, and it was a great enjoyment to me. Cornelius is finishing his Olympus, and means to begin upon his Neptune. He says the work of Giulio Romano at Mantua is full of original ideas, equal for originality to Raphael in the Farnesina.

On the 7th of July he was at Erlangen, after passing some days in Stuttgart and Nuremberg, everywhere visiting the galleries and giving his impressions. A great portion of this journey was made on foot. July 17 he arrived in

Dresden: "To find again my Raphaels, after the barbaric Bohemia, was like a reunion with a dear friend from whom I had parted in Italy." On the 28th, in Züllichau: "Religious life seems more developed here than elsewhere in Germany, and the clergy stand high in the estimation of their congregations. My brother-in-law Karsten is happy, for he has a field for his work."

On the 10th of August of the same year, 1823, he reached Berlin, and the question of his future career demanded immediate consideration. Although the police had found nothing against him when he was arrested in 1819, he had been forbidden to study at a Prussian university, and had been told that he should never receive any position in the service of the government. Now, however, he hoped for a revocation of this order, for his feelings had undergone a great change. He had lost some of his illusions in Greece, and Niebuhr's influence had tended to bring him into normal relations with the existing state of affairs. Moreover, when the king of Prussia, Frederick William III., had passed through Rome while Lieber was there, Niebuhr, who had been his private tutor some years before, told him that Lieber was afraid to return, lest he should be exposed to further persecution, and the king had left assurances that Lieber need have no fear of any such interference, and advised his return.

Soon after reaching Berlin, he wrote to the minister of police, Von Kamptz, a full statement of his difficulties and a frank recantation of his boyish errors. He also expressed his determination to give his attention henceforth to the higher mathematics, which, it will be remembered, he had been studying before his departure for Greece. In a letter dated August 20, 1823, Von Kamptz

made reply, expressing his satisfaction at the change in Lieber's opinions after his varied experiences, and promising that he should be allowed to continue his studies without interference from the police, and that he might look forward to a place under government. The minister concluded by saying that he felt perfect confidence that Lieber would not again fall into the errors and delusions which had neither made him useful to his country nor secured happiness for himself.

Lieber then felt encouraged to make still further demands. Consequently he wrote again to the minister of instruction, giving a detailed account of some of the difficulties of his position. His father had lost much of his property in the wars with Napoleon, and was now an old man, unable to provide for his son's education at the university; hence he felt compelled to ask the minister for the assistance from the state which at that time was freely bestowed on needy and deserving students. He referred the minister to Niebuhr, to General von Schack (one of the king's *aides-de-camp*), and to Baron Lepal (an *aide* of Prince Henry) for information about his character; and to his Journal in Greece, which Niebuhr had approved of, as to his ability. In conclusion, he pointed out that his whole future career depended on the answer to this petition. The minister of instruction replied in a letter, dated October 22 of the same year (1823), stating that the petition had been received, together with urgent recommendations from Von Kamptz, but that, nevertheless, it had not been granted. He reminded Lieber of his former unsatisfactory entanglements in political affairs, of the fact that he had left the gymnasium before completing his course, and of his brief connection with the university,

where he had studied but four months. He called his attention to the fact that he had taken part in an adventurous enterprise, which might have been the means of giving him sounder views of life, but that it could hardly have been of service in the way of enabling him to prepare especially for his vocation. Therefore, before complying with Lieber's request, he was compelled to ask for satisfactory information on several points: What were his intentions in regard to his future career, the preparations he had made for it, and his present qualifications? He said, finally, that he should not feel authorized to grant the petition until he was convinced that the applicant deserved his sympathy, and until an examination had given him an opportunity to judge whether Lieber's plans and views corresponded to his knowledge and capacity. In short, it was a model official letter.

Lieber wrote again to urge his claims, assuring the minister that he could bring flattering testimonials from his former teachers, and asseverating his determination to live henceforth as a peaceable citizen. His request was at length granted, and a modest sum was placed in his hands. This benefaction enabled him at once to resume his mathematical studies in Berlin.

On his return to Berlin, Lieber moved in a pleasant circle. Among his friends were Chancellor von Hitzig, one of the most eminent lawyers of his time, Hofräthin Herz, the family of General von Schack, Fouqué, Hoffman, and Chamisso. There were others, too, who helped to make his life pleasant by giving him the opportunity of enjoying the Berlin stage, which was at that time in a particularly flourishing condition, with Devrient and Auguste Stich (afterwards known as Madame Crelinger) acting

Shakespeare's plays. All this, together with his restoration to his family, gave him some months of undisturbed happiness. In the middle of the winter, however, Lieber found himself suffering from the climate, and wrote to the minister of instruction to ask if he might be allowed to continue his studies at Bonn. He said: "I have attended lectures this winter on Trigonometry and the Differential and Integral Calculus, and have been able, by the aid that has been granted me, to avail myself, with much profit, of a *privatissimum* on various subjects from Dr. Ohm."

Although, since his return to Berlin, Lieber had given the authorities no cause for suspicion, he had for some time observed that his house was watched and that he was followed by the police whenever he went out of doors. Von Kamptz's assurances preserved him from serious anxiety, until early in the morning of the 12th of February, 1824, two police officers came to the house with orders for him to appear at Köpenick before the commissioners of police. Lieber did not wait to receive them, but ran by a back way to Minister von Kamptz, to learn why the promises so recently given him had been broken. The minister assured him that he was summoned merely as a witness, and for no act of his own. Lieber accordingly obeyed the summons, only requesting that if in future his presence was required he might be privately notified, for his whole family, and especially his ailing mother, had been greatly disturbed by the untimely appearance of two policemen at their peaceful doors. The family had good cause for uneasiness, inasmuch as the government was prosecuting young men right and left, and condemning them to long imprisonment on the most frivolous pretexts. Professors were continually deprived of their offices, and the freedom

of the press and of the universities was cramped in every way. Metternich's policy of repression was triumphant. Besides the possibility of imprisonment there was the immediate inconvenience of interrupted work to harass Lieber. He consequently was much relieved when he obtained permission to leave Berlin on the 1st of May, 1824, and betook himself to Halle, passing through Leipzig on his way. Then he spent one or two pleasant days in Dresden with some of his friends, listening to the music for which the Saxon capital has long been famous. It was then that one of his friends gave him the engravings of Raphael's Parnassus and the School of Athens, which he carried with him in all his subsequent travels and only framed when he finally settled in New York in 1858.

Lieber was occupied with his studies in Halle until in August, 1824, the police came upon traces of the connection between the French and German malecontents, and he was recalled from Halle to tell what he could about this matter. He in vain protested that he was secured from molestation by the royal pledge. He was told by the officials that he should not be punished for any previous misdeeds and that he was bound now to show his gratitude by giving them all the information he possessed. This he refused to do, and accordingly, on the morning of the 1st of September, two policemen appeared at his door and carried him to Köpenick, where he was again imprisoned. A further attempt was made to wring a confession from him; and on his refusal to make any statement, he was told that he should remain in prison until he was ready to confess, even though he were to be confined for the rest of his life.

There can be no doubt that the government was much

frightened at the discovery of what seemed to the officials to be a widespread conspiracy. Varnhagen von Ense's gossiping "Blätter aus der preussischen Geschichte" contains many references to the panic.

Lieber had many companions in this misfortune. Under date of September 22 Varnhagen wrote: "The whole city is filled with the wildest rumors on account of this business. Hundreds of people are mentioned as detected accomplices or as suspicious characters. The most respectable names are mentioned, — the King of Würtemberg, as the head of the whole thing, Gneisenau, Grollmann, Humboldt, Savigny, &c., &c." He speaks perpetually of the large number of arrests. Lord Clanwilliam, who was then the English minister at Berlin, wrote to his government that the conspiracies, of which so much was made, were but unimportant students' societies, and that this terror of them was only arrant nonsense; but it was a serious matter for those who were sitting behind the bars at Köpenick. Among these were twenty-six young men, members of the Jüngerbund, a semi-political society composed of students who were dissatisfied with the despotism that seemed triumphant throughout Europe. They were tried and condemned to various terms of imprisonment, of from six to fifteen years. Charles Follen, who had fled to Basle where he held a professor's chair, was obliged to flee from Switzerland because the Prussian government demanded his surrender. He came to this country, where he died after a short but most honorable career.[1]

Niebuhr interested himself a great deal in the fate of his young protégé. In one of his letters, dated March 22,

[1] See his life in Vol. I., of his "Life and Works." Boston, 1841; five volumes. It was written by his widow, Mrs. Eliza Lee Follen.

1825, he wrote: "It has been said that Lieber was to be released on his father's birthday, but nothing has come of it. Such carelessness in leaving a good man to languish in fetters makes me indignant, though no cruelty is intended." Again, April 2: "I wrote to Lieber, and he has sent me an answer that has touched me deeply. The poor fellow is quite broken-hearted. I wish I could find time to make an excursion to Köpenick and comfort him." April 6: "I visited poor Lieber yesterday, in the Bastile of Köpenick. O my God!"

A few days later, Lieber was set free, mainly by Niebuhr's intercession. It was made a condition of this clemency, however, that Lieber should remain in Berlin until the investigations were over, in readiness to appear as a witness whenever he should be summoned. Varnhagen, April 22, 1825, notes this unusual relaxation of official severity and says that, "Lieber used to be tutor in Rome in the family of Niebuhr, who had the courage to visit him when he was imprisoned at Köpenick. He could not be refused." Niebuhr showed even more fearlessness in requesting a pardon for Lieber, for at that moment he was himself looked upon with some suspicion by those in authority. And that it was not an easy task which he undertook may be seen from this letter, dated April 11, 1825.

This morning I have at last finished my final application to the King. To write thus for the fourth time about the same thing, and each time to have to answer the same thing, is very wearying; you cannot invent new argument when you have once exhausted the subject in your representations. You can only try to set it in new points of view, from which it may appear somewhat clearer, more self-evident. . . . I have still to write to Schuckmann for poor Lieber.

Lieber's stay in prison had not been without certain alleviations. He had read, studied, and reflected, and he had composed many poems. Bayle's Dictionary, the Arabian Nights, Shakespeare, and Goethe were the authors he studied at this time. A few months after recovering his freedom Lieber published a small volume, entitled "Vierzehn Wein-und Wonnelieder," [1] under the pseudonym of Arnold Franz. This small selection, from the many he had written on love, liberty, friendship, and other subjects, he dedicated to Carl Maria von Weber, the eminent composer, and to C. F. Zelter, the friend of Goethe. The poems bear out the promise of the title, and in no way indicate that they were written by a prisoner within four stone walls. They breathe nothing but conviviality and hilarity, in violent reaction against the gloom of his fate. In a manuscript note on the fly-leaf of a copy which he kept with him, Doctor Lieber wrote, twenty years later, an account of his feelings at that time; he says: —

Genuss (enjoyment) was one of the elements of my intellectual life at that period. Goethe was not inactive in all this. Asiatic poetry; Goethe; patriotism; serious reading; stern review of my opinions and convictions; Italy, as if I were in Rome; philosophy; history; disesteem for my fellow-prisoners; everything as active within me as if it existed alone at the time. The more my whole childhood and youth had been guided by the ideas of sacrifice for others, of *Entbehrung* and resignation, of country and heaven, the more unreservedly I now plunged — theoretically, be it well understood — into the idea of the day, of the hour, of *wirklich sein, wirklich haben*, of *Genuss in der Gegenwart;* yet all my Goethic ideas or feelings were always tinged with additional glow and fervor. Hence these Wine-songs.

[1] Berlin: T. H. Riemann, 1826. 12mo., pp. 32.

There is no entry in Lieber's Diary from the time of his arrest until two months after he was set free. He lived at home for a short time, doubtless casting about for occupation and trying his hand at literature. The following, written when he once more resumed his Diary, shows that he had also begun to go again into society: —

June 27. On Sunday I was at Chamisso's. He spoke much of Madame de Staël. Chamisso divides mankind simply into the little and the great. In his estimation De Staël belongs to the great, Schlegel to the little. . . . I take my tragedy, "The Two Hedwigs," to Holtei;[1] he praises it, but finds it not suited to the stage.

In July he found a place as tutor in the household of the Count von Bernstorff, but in order to accompany the family to their country-seat he had first to obtain permission from the police. The minister of the interior and police accordingly granted him leave "to visit Mecklenburg and Hanover, provided that the investigating committee, sitting at Köpenick, should consent. Information must be given of the time of departure, as well as of the length of absence, to the commissioners." This was the liberty that the cat occasionally gives to the mouse.

In his Diary he says: —

Many pleasant excursions on the lake with the ladies. The whole party, a very merry one, went to Lübeck and Travemünde; sketching; sea-baths; champagne; crabs for the first time in my life. On our way back to Wedendorf, had to feed the horses at midnight in a small place, Slutup, but no lodging to be had. The ladies sat down on the roadside in the moonlight, and we took tea there with sausage, &c. Could Walter Scott have seen us, it would have been some-

[1] Carl von Holtei, an actor, and author of various plays and works.

thing for his pen. I write a poem for the occasion and Countess Louise sketches the tea-party. . . . Arthur and I frequently hunting wild ducks several hours on the water. Letter from Niebuhr, and write to him for his birthday. . . . The harvest-home, a lovely festival. I can fancy nothing more delightful than to possess one's own acres in a free country — rather a free peasant than a Mecklenburg nobleman. Count Bernstorff does not allow his peasants to sell any cattle or horses without first having offered them to him.

In October of the same year he returned to Berlin, and we have a bit of testimony about the impression he made at this time on one of his friends, in the following letter written by a cousin of his, Baur by name, who had not seen him since he left for Greece: —

I found our relations changed. We were never again so intimate as we had been. Perhaps he was implicated in some of the political intrigues and there were secrets which he had to keep. His brother Edward invited me to meet him at dinner, and we spent an evening talking together at my cousin's, Eichens the engraver. His brother Gustavus, Francis, and I also took lessons together in English. But Francis had grown quieter. Italy had changed him by giving him a sense of art. He cultivated his æsthetic tastes, and was composing poems. . . . He was a frequent visitor at Hitzig's,[1] and associated a good deal with literary people. He knew a great many ladies, and had become very different from what he was in the old *Turner* days. To be sure, even then he used to write poetry, but his patriotic, gymnastic, semi-religious ideas had been succeeded by more serious intellectual interests."

In the next month, November, 1825, Lieber was once more summoned before the Court of Investigations.

[1] Hitzig was a prominent lawyer, and a friend of Fouqué and E. T. W. Hoffmann.

I dictated the protocol myself, [he says in his Diary], but felt fearfully weary of the constant repetition of these affairs. Every great sorrow seems greater in the morning than at night. During the long day we have become accustomed to our misery, but when we wake up in the morning it is something new again.[1]

January, 1826. On the 2d to Kamptz, who declares that he knew nothing of my recent examinations.

January 26. A letter from Niebuhr. The Duke of Wellington has been here. What a sharp face! I think he looks even abler than he is.

February 9. A happy day among my friends. Take my first English lesson.

Evidently it was at this time that he began to form the plan, which he soon carried out, of leaving the country.

February 19. To Frankfort-on-the-Oder.

February 21. To Züllichau [where his brother-in-law and sister were living].

February 26. Back to Berlin. A letter from Niebuhr and one from Count Bernstorff.

The letter from Niebuhr contained the following, which will serve to show how unwearying was Niebuhr's kindness, as well as Lieber's desire to make one more effort before expatriating himself.

Bonn, February 22, 1826.

. . . . Mr. Francis Lieber, the bearer of this letter, has probably often been mentioned to your excellency by your cousin, who has shown a warm friendship for him.

It is not necessary to dwell upon the well-known and sad trials of his early life. The persecutions brought upon him

[1] It is interesting to compare with this what Goethe said, — *vide* Eckermann, under date of August 16, 1824: "We are wisest in the morning, but also most anxious at that time; for anxiety is a sort of wisdom, although only of a passive kind. Stupidity never knows anxiety."

by his youthful errors have now come to an end. His prospects of providing for himself have been destroyed, and the opportunity has twice been denied him of preparing himself for a profession.

The idea has been suggested that your Excellency may be willing to give him some appointment, and he has the hope that he will find you favorably inclined. Therefore he has asked for this introduction from me, as the only one of his friends who knows him thoroughly and can venture to recommend him to you.

I can vouch for his moral integrity, and if it were necessary to speak of his political principles I could assure you of his entire reawakening from his early dreams. He is a young man of ability and distinguished talents, with a great capacity for languages, and varied knowledge, the greater development of which was impeded by the unhappy circumstances of his life.

It would relieve me of anxiety to hear that he had obtained an appointment.

Nothing came of this application, and Lieber spent the remainder of the winter in preparing himself for his voluntary exile. He continued his English studies, and saw much of his friends, among whom he had long counted Henrietta Herz.[1] He secured a testimonial from Major-General von Pfuel, then in charge of the swimming-school at Berlin, to the effect that he was an excellent swimmer and possessed "the skill and dexterity required to conduct a swimming-school successfully." His intention to leave Germany he kept a secret from every one, for the police would of course have put their hands upon him if his design had become known. He saw that there was no

[1] For an interesting account of this remarkable woman, see an article by Karl Hillebrand in the "Revue des Deux Mondes" for March 15, 1870.

career open to him in his own country and he learned that new dangers threatened him from the familiar quarter, and hence, in the spring of 1826, he put his long-formed plan into execution. All of this part of his career is briefly narrated in extracts from his Diary. What finds no mention is the depression that he felt from the uncertainty of his position. He was working very hard, writing for different German periodicals, and giving instruction in German and Italian. In later years he said that at that time he was "doing uncongenial work, and physically laboring like an American army mule." One or two of the entries will show his very natural anxiety to find some settled position.

On the 17th of May, 1826, at half-past ten in the evening, I left Berlin with my brother Edward. I had to deceive all the family. It was dreadful, and I wept bitterly when I got into the carriage. No difficulties on the journey to Hamburg. Arrived on the 19th, in the evening. Slept in the country house of Chateauneuf's parents. What comfort everywhere! In this respect already quite English.

May 21. On Chateauneuf's horse to Eppendorff and Blankenese.

May 22. On board the ship "Perseverance." My brother accompanied me and returned with the pilot-boat. At two o'clock we saw Helgoland. On the 24th passed a Dutch frigate from India. . . . On the 25th, the coast of England. Since I left I have written several poems. On the 26th, arrive at Gravesend; numberless vessels — cultivated country — a striking impression.

May 27. By stage to London, to the George and Vulture What a bustle! Accommodations bad, and very dear. Stokes and his amiable sister received me with great kindness; so did Sieveking, to whom I make a visit in the country.

On Sunday, the 4th of June, I called upon Weber; on the 5th, the day when "Der Freischütz" was to be performed for

his benefit, he breathed his last. He had gone to London in February where he finished his magnificent "Oberon" and directed its performance. . . . Dined at the Lutheran clergyman's, Dr. Schwabe's, on Stamford Hill. Called on the authoress, Madame Domeier. Went to a Quaker meeting and found it very tiresome; an old man and woman spoke. Penn was no doubt an excellent man, to whom the form he had adopted seemed the best, but he did not know the needs of men. Everything in his method depends on enthusiasm, which cannot be forced and does not last. Witnessed the election in the city of which I shall give an account elsewhere.

June 15. Mrs. Domeier helps me in selecting a lodging. In the evening at Stamford Hill, at Sieveking's. Napoleon they called the Representative of Evil.

June 16. Moved to Thanet Place. Good Mrs. Domeier had supplied my room with tea, sugar, soap, candles, &c. . . .

June 18. Waterloo! No great celebration here.

June 25. My first lesson to Dr. North. Went to the French and Spanish chapel. Nothing so deeply impresses me in the church as music and works of sculpture. Why cannot other churches than the Catholic open their doors to art? In the afternoon, called on Pistrucci. He is surrounded by all kinds of foreigners, but goes on quietly with his brush and drawings. White has spoken in my behalf to the secretary; to Ackerman — no opening yet. I cannot bear this much longer and would rather take hold of anything. First lesson to Dr. Courson.

June 27. See the exhibition at Somerset House. Beyond all description poor. Chiefly miserable portraits.

June 28. With Rouquette to the British Museum; meagre, with the exception of the Elgin marbles. What a delight to see these! . . .

June 30. Schönlein says that English boys are not nearly as intelligent as German boys, — that it is hard work to instruct them. . . .

July 2. Dine at Sieveking's. He tells me that the export

of English manufactures to foreign countries does not amount to more than one seventeenth of the home consumption, and that the mail, to all countries united, yields much less than the inland postage. . . . Even Dr. Courson, a man who has studied in Germany and has all regard for knowledge, will not consent to learn the language thoroughly or grammatically. Everything must be practical. Read English and German with North in the evening. With what delight he repeats long passages from Shakespeare. What a benefactor was Shakespeare to his country.

July 5. A rich day! With Rouquette to the British Institution; many paintings from Carlton House. Then, to the Elephant and Castle, the inn in Southwark, which six hundred stages pass by every day. To Dulwich. Bourgeois's Gallery in the college. The first room with Teniers, Ruysdael, &c. Then a glowing Titian, Murillo, Andrea del Sarto, Paul Veronese, Guido, Correggio. How at home I felt and how far happier I shall feel now. I shall go often to this gallery. The Titian is superb, and the three Murillos the best I have ever seen. A good dinner, better in this village inn than at the best *tables d'hôte* in Berlin. A walk with Rouquette and then home.

July 7. Went to see the Tunnel, a most remarkable work, worthy of the old Romans. . . . Mr. Greaves offers me a situation near Plymouth. He is secretary of an infant-school society. We shall see. "No history. We don't care about history." I meet everywhere with great kindness; tickets to the Dulwich Gallery are given to me, — also to Lord Stafford's collection, which is not open to the general public.

July 10. To Watts's printing establishment. He prints Persian, Coptic, Arabic, Irish Bibles. Lesson to Scovell. Englishmen seem to have a great dread of German thoroughness. "No rules at all. I think to read will be the best."

July 13. With the Irishman, who corrects the Irish Bibles, to the principal Lancastrian school in the borough. My opinion on this subject I have given in my essays. With

Mrs. Domeier to the opera, where I heard Caglioni, and the beautiful Pasta.

July 18. With Mr. Watts to his house at the North End, — the first time that I am introduced into an English family. A son and daughter of a brother who died in India were staying with him. Two Indian servants in attendance. Thus one constantly meets with something unexpected and strange in this country.

July 20. See the Infant School in Spitalfields. These institutions are excellent. They take children from two to seven years old.

July 28. St. Luke's Hospital for the Insane; very neat and cleanly; apparently well conducted.

August. About this time I became acquainted with Dr. Crawford, and with the Austins. Mrs. Austin, the authoress, introduced me to Mr. Bentham, and to Mr. Neal,[1] an American; so perhaps I may go to America. Become acquainted with Doctor Thiarks and many others.

September 8. Again to Schönlein's at Epsom to stay over night. These visits are most refreshing to me. We talked until well toward morning on eternity, pantheism, poetical inspirations, &c.

September 12. Read English with Stokes. It was funny enough. . . .

September 14. Wrote my essay on Lancastrian Schools.[2] In the evening to the Mechanical Institute.

September 15. With Mr. Greaves to the Refuge of the Destitute, where he wishes me to give instruction in gymnastic exercises gratis. This is a good idea, and I am willing to do it.

[1] The late John Neal of Portland, the author of "Seventy-Six," &c.

[2] This first appeared in Nos. 122 and 123 of the "Literarische Blätter der Börsen-Halle," and was republished in the same year by G. W. Carstens & Co., of Hamburg, in pamphlet form.

It contains an intelligent description of the Lancastrian system of education — according to which the more advanced pupils teach the others — and an earnest appeal in behalf of its introduction into Germany.

September 29. Doctor Thiarks informs me that Mr. Bond of Boston is looking out for a teacher in gymnastics. Mr. Bond calls and confirms this in case Mr. Buck should not accept. . . .

October 16. Confined to my bed with fever and severe headaches from the 4th to the 16th. Much kindness shown me by my friends.

October 19. A note inclosing £10, and the words in a disguised handwriting, "Won in a wager by an absent friend," is sent to me by two-penny post. I cannot find out from whom it comes.

October 22. To Mr. Neal. He will let me know when Jefferson's memoirs are published. My kind friend, the beautiful Mrs. Fould (wife of the subsequently great French financier), obtains lessons for me at Mrs. Samuels's, Rothschild's sister. I am teaching her daughter, who, if she goes on as she has begun, will make wonderful progress. Doctor Crawford brings me two new scholars — six shillings a lesson.

November 9. In the evening a dance at Mr. Oppenheimer's. The day before, I had commenced giving Italian lessons to M——.

Here, the London *Tagebuch* ends.

It is evident that this was in many ways a bitter season for Lieber, and it is no wonder that he turned longing eyes toward America. Before deciding to leave England he thought of making an application for the place of professor of German in the London University, now University College. Niebuhr, whom he consulted in the matter, once more gave proof of the interest which he felt for his young friend, by writing him a warm letter of recommendation.

While this matter was still unsettled Lieber, who was already considering the advisability of trying his fortune in America, received an invitation to take charge of a

gymnasium, and establish a swimming-school in Boston, and he at once accepted it, in a letter dated April 13, 1827. Before leaving England he made a visit to Manchester to bid farewell to his future wife, the lady who is spoken of above in the last entry in his London Diary.

This letter will show the seriousness with which he decided to turn his back upon Europe.

MANCHESTER, May 12, 1827.

TO ALL MY DEAR ONES,—Your letters have given me both pleasure and pain; they could not but be the bearers of sad thoughts, which, in spite of the kind and loving sympathy of my dear parents, brothers, and sisters at my brighter prospects, could not be concealed. It is only natural to feel sad when there is the expectation of a permanent separation. True, it is the destiny of every family to be established, to multiply, and to be scattered, so that new ones are founded, just as it is the destiny of empires; yet when the time comes and the circle must be broken, we cannot but feel it deeply. Why should I not acknowledge that I felt the greatest anguish of mind when I received your farewell letters, and my separation from you, from Germany, and Europe became clear to me. Farewell, then. I shall think of you often with rejoicing when I remember your affection, and all that you have done for me; and often, too, in sorrow when I think of the separation, but it is not a sorrow I should wish to relinquish. It should be our aim to expand our souls and develop all that is great and elevating within us, and grief as well as joy is essential to this. I believe a noble heart, deprived of every sorrow, would pray: "Give me my sorrows back again."

From all your letters I should judge you have taken a wrong view of my hopes and anticipations with regard to America. Believe me that I do not expect a paradise, but I look forward eagerly to the prospect of a more settled and active life, and an honorable and useful position in a young

republic, which, however imperfect it may still be, yet gives a field for the practice and application of talent and ability. I shall of course miss much that I have been accustomed to in Europe, especially the intellectual life; but it will be more congenial to me than Europe with her effete institutions, for I shall feel that I am in a land of progress, where civilization is building her home, while in Europe we can scarcely tell whether there is progression or retrogression. Matilda is here in the house of her married sister, and I shall be with them five days, from breakfast until supper-time. I am taking leave of Europe in the pleasantest manner. . . .

The same seriousness is to be seen in this letter written on his way to America.

At Sea, June 10, 1827.

. . . In a few words I will try and explain to you my expectations in regard to America. I know that it will not be a paradise. I believe that the customs and influences of the Middle Ages were required for the development of the race then, but now new and greater ideas are dawning which Europe is too petrified and ossified to accept or adopt. Is it not enough that she had the benefit of the unfolding of all knowledge that was produced at that time? These new ideas will find their soil in America, and many have already taken root. There never has existed, to my knowledge, a government that has been formed so entirely for the good of the people. Never in the history of the world has so much wisdom and humanity been shown as in their civilization. Each new colony has been received into the Union as soon as it had the required number of inhabitants, and allowed the same rights as the older ones. This proves that they are free from jealousy and tyranny, and that they are ruled by just laws. I know no people who show more love for all that is noble. No nation has ever made such rapid progress.

Father thinks that I write about this country in too poetical a strain. He may be correct; but I go without any prejudices. I have been studying the history and statistics

of the country, and soon I shall judge for myself. Father writes that "Republics generate party spirit;" but are monarchies free from this? Is not my own experience sufficient evidence that parties exist even under a king? But I will not now discuss which is preferable. For a particular epoch and people one form of government may be better than another, but in my opinion a republic is superior to all. . . .

On the 20th of June, 1827, on the anniversary of the battle of Namur, where he was wounded, and, as it happened, at the same hour, he landed in New York, and at once proceeded to Boston. This is his description of his journey, and of his first impressions of this city, as given in a letter to the lady who afterwards became his wife.

July 8, 1827.

At last I am able to write. It is Sunday. I have had three invitations to pews in the churches, but I declined them, wishing to devote this morning to you. I will give you a short account of the last weeks, though you must be satisfied with a mere sketch, as I shall not have the time for more. . . .

About eleven days ago I left New York, at three o'clock, in a steamboat for Providence. The boat was elegantly and conveniently arranged for from two to three hundred passengers. One has no idea of anything of the kind in Germany. Such order and elegance in every respect, either on land or sea, is unknown there. We sailed between Long Island and the mainland. On both sides were hills, with trees and flowers, and many country-houses, combining the aspect of southern brightness with English comfort, — piazzas, balconies painted white or yellow, with green blinds, &c. The country beautifully cultivated; and the whole sail — as far as Montauk Point, the northeasterly point of Long Island, passing many small islands — was delightful. About three hours later the bell rang for supper. The numerous company, about one

hundred and thirty, were seated at two long tables. According to American custom the tables were covered with roast-beef, steaks, chops, all kinds of fish, — broiled, fried, baked, — various cakes, hot bread, corn-bread, biscuits, strawberries, blackberries, cherries, and enormous cups with tea and coffee. . . . I remained late on deck, and conversed with an officer who had served under Decatur. He was a regular tar, and had been in all the seaports of Europe and America.

In the morning, at eight o'clock, we were at Newport; breakfasted on the way, and got to Providence at ten. . . . At eight in the evening I arrived in Boston, which at once made a most favorable impression. Everywhere are the signs of great prosperity. The many fine buildings and dwelling-houses with entire granite fronts — some with Greek columns, others with high porticos — impressed me pleasantly; for there was evidently here a far better taste in architecture than in England, where I found, on the whole, a great want of taste. The country-seats are not surrounded by high walls, as in England, but they have neat low fences, between which and the houses are flower-gardens, refreshing to the eye. All the new churches and banks are in Grecian style, and I find that the Doric order prevails in Boston, perhaps because it corresponds more closely to the earnest character of the inhabitants. Possibly Corinthian capitals are too expensive. Bas-reliefs are as yet rare. I delight in fine buildings; they are lasting, and seem to me especially suitable for a republic. The market is a noble structure, with four granite porticos; and now they are erecting at Bunker Hill an obelisk of granite. I have said to the people: "Your granite and marble are as great a blessing as the most bountiful cornfields." The piers running into the sea on the eastern half-circle of the town, so that ships can lie between them, are superb. Many of them are of granite. All the laborers and workingmen are well dressed, and I am often astonished at their appearance. Since my arrival in America I have not seen a beggar, and I have been in three seaports. Everything — houses, gardens, streets, and men and women — wears the appear-

ance of prosperity. Everything is neat, clean, and well-ordered. The sidewalks in almost all of the streets are paved with large, square flag-stones. The State House, where the senate and legislature of Massachusetts assemble, stands on a hill and overlooks the Common, a large green park filled with trees. The situation is beautiful, and the country in the neighborhood of Boston, so far as I have seen it, has charmed me. A gentleman offered me a gig a few days ago. I went over Boston Neck, through Roxbury and Dorchester, to Commercial Point, along the shore to Savin Hill, and back by South Boston. As far as Commercial Point there were the most lovely country-houses, with their charming gardens, luxuriant fields, and neat farms. Then the charming water-view began. Ah! if the people were but as bright and gay as the country in which they live, it would be a happy land!

It is more difficult to judge of men than of granite, and I have not been here long enough to form an opinion. I shall, therefore, only speak of the manner in which I have been received, and that is soon told. Every one has been most kind and attentive to me. I have met with many cultivated people, and women of uncommon cultivation are not rare. Boston, you must know, is the most scientific city in the United States. The customs seem to me Old English. In general, social intercourse is easy and unrestrained. The women have fine figures; those in the first circles dress after the Parisian fashion. The girls have more color and look healthier than the New Yorkers, and some are very pretty. I am aided generously in all my undertakings, and there is no question made as to where the money required is to be procured. In a word, my reception in this respect could not have been more favorable. It appears that the testimonial Niebuhr sent me when I thought of applying for a professorship at the London University, and which I had fortunately sent to Follen, that he might show it to others if he thought proper, and let them see what manner of fish they had caught, has made a great impression.

The use of ice is surprising. Not a plate of butter without a piece of ice; in every tumbler of water there is ice floating; the wine-bottles at dinner are placed in vessels filled with ice; milk is taken with ice, — but it is sufficiently warm here to make all this pleasant. . . .

And now let me tell you something about the 4th of July. In the year 1776, on the 4th of July, Congress unanimously adopted the Declaration of Independence drawn up by Jefferson, Adams, Franklin, Sherman, and Livingston. All those bold, wise, high-minded men who signed the Declaration are called "the signers." Only one of them is still living. Pitt said of these men, in the House of Lords: "When your lordships have perused the papers transmitted to us from America, when you consider the dignity, the firmness, and the wisdom with which the Americans have acted, you cannot but respect their cause. History, my lords, has been my favorite study, and in the celebrated writings of antiquity I have often admired the patriotism of Greece and Rome; but, my lords, I must declare and avow that, in the master states of the world, I know not the people nor the senate, who, in such a complication of difficult circumstances, can stand in preference to the delegates of America assembled in General Congress at Philadelphia. I trust that it is obvious to your lordships that attempts to impose servitude upon such men, to establish despotism over such a mighty continental nation, must be vain, must be futile."

The 4th is justly and rightfully kept as a festival throughout the whole country. From Maine and the north of Vermont, where the mountains of the United States join those of Canada, to the source of the four-thousand-miles-long Mississippi, and from New York to the most western settlements in the deep forests of Missouri, the people rejoice on this day at the blessing of their freedom and gratefully remember their brave forefathers. How is it that the Europeans pride themselves on their historical development? Let them come here, and they will find far more of real living history than on the old continent, where institutions are changed at the arbitrary

will of some powerful monarch or his ambitious minister. The law reigns here. Every citizen honors it as his birthright. He knows that it is necessary, and abides by its mandates.

Doctor Warren sent me, on the 3d, an invitation from the governor. We went to the State House together on the morning of the 4th. I was, for the first time in my life, in full dress, — tights and all that, — a regular, newly imported London fashionable. At the State House we were received by the governor's aid, a son of the famous Quincy, who left his wife and children, to fight for his country, and, in dying, said that he had indeed no fortune to leave them, but a greater treasure in a good name to the country. Young Quincy is a merchant, yet with a military bearing. He introduced me to the governor, who was in full uniform. He shook hands with me, and said: "I am happy to see you in this country." Doctor Warren then introduced me to the lieutenant-governor, a venerable-looking old man, who gave me an invitation for that evening. After this the procession was formed: the band in advance; then the high sheriff of the county; the governor with his staff of fine-looking young volunteers; the lieutenant-governor; the senate and representatives; the judges, &c.; the invited guests; the faculty and students of the university at Cambridge. We marched slowly through the town to the Old South Church. The music selected was from Handel, Neumann, and Pergolesi, wretchedly sung, yet I was deeply moved. You can imagine that, during the whole day, I was in an unusual mood. The speech, which was delivered by a lawyer, was very good. He spoke of the dangers to which a republic is exposed, such as false ambition, party spirit, and sectional prejudice, and reminded his hearers of the great deeds accomplished and of the prosperity of the entire country. Then we all returned to the State House, where a collation was served for many hundred guests. And now the feelings had their free play; toast upon toast was given, and I was asked by the governor to give one. I gave: "Liberty to all the civilized world."

A gentleman then proposed: "The Germans, who, although not yet enjoying liberty, have nevertheless been the pioneers of liberty, — the inventors of the art of printing." The evening I passed at the lieutenant-governor's, who was exceedingly friendly. His son visited me the next morning, and invited me to come often to his father's house. . . .

CHAPTER V.

After his arrival at Boston, Lieber at once took charge of the gymnasium, succeeding Dr. Charles Follen, and set about preparing a swimming-school after the model of those established by General Pfuel in many German cities. This was a novelty in Boston, and how successful it was may be gathered from the following letter of Lieber to his parents: —

Boston, September 6, 1827.

My dear Parents, — You know already that six weeks ago I established a swimming-school on the plan of General Pfuel. It is on the bay, which is surrounded by hills, little towns, woods, and part of Boston itself. Yesterday the mayor called on me and said Mr. Adams, the President of the United States, wished to visit my school. He desired to introduce me at once to the President, who had just come to the hotel where I am staying. Mr. Adams, who is a man of few words, asked me simply, after shaking hands with me, if he might see the school, and what hour would suit me. We made an appointment for ten o'clock that morning, as there would not then be many scholars present. He came punctually, accompanied by the mayor. Both were very plainly dressed.

After I had explained my plan to him, I asked him if he would do me the honor to swim with me, and if he preferred, we would go outside the enclosure, in order to avoid the frolicking boys, and let my boat follow us. The old man looked at the boys, and said: "No, I prefer to stay here, if they will not laugh at me. Those good little swimmers

will make fun of me." We prepared ourselves for the bath, and this man of sixty-one sprang headlong into the water from a springboard six feet high. He repeated this several times, and swam about a quarter of an hour, conversing with me while he was in the water, and showing himself an experienced swimmer.

He praised the school, and expressed the wish that there were many establishments of the kind in the country, which would greatly tend to promote the public health. He said, also, he had tried all kinds of gymnastic exercises, but never had found greater refreshment after continuous mental exertion than from swimming. I returned part of the distance with him, and after many polite expressions of regard and thanks, we parted.

The impression his face and appearance made on me is earnestness united with cordiality. His head is bald, but his figure is erect and well preserved. . . .

Not unnaturally, Lieber was unwilling to rest contented with the merely mechanical employment which this position gave him, and when the swimming-school was closed in the autumn he proceeded to busy himself with literary work. At Niebuhr's recommendation he had been appointed correspondent of several German periodicals. Niebuhr wrote him, September, 1827: —

Agreeably to your desire to retain some literary connection with Germany, I wrote to Baron Cotta. As the "Allgemeine Zeitung" has no correspondent in America I counted on a favorable reception, and I have not been disappointed. Baron Cotta offers you the post of correspondent of the "Allgemeine Zeitung," the "Kunstblatt," the "Literarische Zeitung," the "Polytechnische Zeitung," the "Politische Annalen," and the "Ausland." . . . Before you begin your correspondence, look calmly about and find out exactly how you stand. Respecting the feud between the Northern and the Southern States, I am decidedly Yankee and anti-

Virginian; but, being fifty-one years old, should I get there, I should neither trust the former unconditionally, nor wholly disapprove of the others. . . . One thing I cannot sufficiently recommend to you, — you must not take it amiss, for I do not mean to cast any reflections on you, but to point out the rock on which most newspaper-correspondents wreck, — no political dissertations and generalities, but facts, simply and concisely told."

Lieber accordingly had an opportunity to give the Germans information about America, and, in addition to this, he soon determined to edit an encyclopædia after the model of Brockhaus's celebrated "Conversations-Lexicon." The original work had gone through six editions in fourteen years, and this success boded well for the new venture.

Lieber did not intend to make his work a mere translation; but, by omitting what was of interest to Germans alone and substituting what should be of interest to Americans and Englishmen, he hoped to adapt the volumes to their new readers. Edward Everett, Mr. George Bancroft, Charles Follen, and Professor Moses Stuart united in commending the plan, and soon arrangements were made with Mr. Henry G. Carey, of Philadelphia, for the publication of the work, which was called the "Encyclopædia Americana." Many distinguished people aided him with their contributions. Judge Story, for instance, gave the editor the most generous assistance, an acknowledgment of which is quoted from a note to page 213 of the third edition (Philadelphia and London, 1874) of Lieber's "Civil Liberty and Self-Government."

I shall never forget the offer he made to contribute some articles when I complained of my embarrassment as to getting proper articles on the main subjects of law for my work intended for the general reader. Many of them were sent

from Washington while he was fully occupied with the important business of the Supreme Court. He himself made out the list of articles to be contributed by him, and I do not remember ever having been obliged to wait for one. The only condition this kind-hearted man made was that I should not publish the fact that he had contributed the articles in the work until some period subsequent to their appearance. . . . The contributions of Judge Story comprise more than one hundred and twenty pages, closely printed in double columns. . . . I may add that Judge Story made his offer at a time when he to whom it was made was known to very few persons in this country and had but lately arrived here, and that Judge Story took at once the liveliest and most active interest in the whole enterprise, and contributed much to cheer on the stranger in his arduous task.

Lieber had many other eminent fellow-workers. Mr. Edward Wigglesworth was his assistant editor; Mr. John Pickering contributed articles on the law; Mr. Robert Walsh, of Philadelphia, wrote a number of the lives of famous Americans. Duponceau, the Hon. B. F. Butler of New York, Doctor Beck of Albany, Dr. J. G. Palfrey, Mr. J. K. Paulding, Mr. Nathan Appleton, Mr. George Ticknor, Mr. (afterwards Judge) Roberts Vaux, Dr. Walter Channing, Dr. Orville Dewey, and many others were among his contributors. Lieber wrote many articles himself, besides supervising the translation of the "Conversations-Lexicon," and exercising a general supervision of the whole work. The encyclopædia was not only a satisfactory pecuniary success; it brought him prominently before the public, and was of service to him by imposing upon him the necessity of studying a vast number of subjects. No one can read his later books without being struck by the extent of his general information, and certainly few scholars have ever had occasion to cultivate

the sort of omniscience which the editorship of the encyclopædia required.

The story of his busy life at this time is best told by extracts from his letters. In a letter to his parents, January 18, 1828, he writes: —

I am going to Philadelphia to see Carey, Lea, & Carey (one of the large publishing houses) about the publication of the Conversation Lexicon. I have letters from the first literary men who understand German. They consider it a very desirable undertaking. The directors of the gymnasium have given me a three-months vacation without my asking for it, in order to allow me to attend to private business. I shall go to Baltimore, Washington, and Richmond, and give an account of my journey in my letters to the "Allgemeine Zeitung." I have letters of introduction to ex-King Joseph, whose picture gallery I am anxious to see; to ex-President Madison; and to Mr. Duponceau, who is one of the most learned men in America, and has just had a prize given him by the French Academy. I am deeply engaged in the study of the language of the North American Indians, and wish to propose to Mr. Duponceau a plan greatly approved of by Mr. Pickering, to found a society for the promotion of the study of the Indian language. If it can be done, I shall consider it a very fortunate circumstance in my life to have aided the cause of science in this way.

Many men in Germany are engaged in this study, especially William von Humboldt. I have recently read a treatise of his on the Chinese language, and he is just as zealously devoting his attention to the Indian dialects. They are of great importance in the study of philology, both because of their regular formation, great variety, and their development without the influence of Asiatic or European languages. We hope to be assisted by the English and American missionaries, and I am writing to William von Humboldt on the subject.

May 30, 1828, he writes to his parents: —

I am employing twelve translators on my work for the Encyclopædia.

A great change has come over me. I am getting orderly. I keep very exact accounts, as is most necessary in this complicated business. But my friend Gossler still scolds me on account of the disorder of my room. The chairs are often covered with linen that has been brought by my washerwoman. The other day an old gentleman called on me, and there was not one unoccupied chair to offer him. He said dryly: "Shall I sit on these newspapers or take them in my lap?" — and, looking around the room, said, "I should advise you to marry."

October 17, 1828, he again writes to his parents: —

As far as I remember, from my earliest youth I aspired to distinction. I was not especially ambitious at school, because I had a dislike to Professor Hartung, who showed his partiality and favoritism to the rich and titled scholars in a way that disgusted me. I was wild and inattentive too, and therefore tried the patience of my teachers. For Pastor Pauli, my instructor in theology, I had great respect, and the slightest reproof from him was a sting to my heart. But I was always striving to win fame, except in the school. My first idea was to become a General Schill, and then a Linnæus, and thus I was constantly aiming to imitate different men. When I became older, this feeling grew into an ardent desire to accomplish something myself.

I have received Jean Paul's "Letters to Jacobi," which have delighted me. Though I find him weak at times, he has a great soul. Jacobi, Niebuhr once said to me, seemed to him like an angel come down from Heaven for our edification. He must like this book, for he will find that Jean Paul had this same love and veneration for Jacobi.

The following extracts continue the story of his work, and record his marriage, in September, 1829, to the lady

whom he had met in England and had visited just before leaving for America. She was his sympathetic companion for the remainder of his life.

About this time he writes thus to his parents: —

. . . I have been made very happy by the success of my work. Although only two volumes have been issued, Carey has already sold four thousand copies, and we may reasonably hope fifteen thousand will be disposed of when the whole is completed. This will insure a good profit to the publishers and make my name known. I am contented with my occupation because it has enabled me to marry, but if I were a man of means I should occupy myself quite differently, and devote my time to working out thoughts which have been in my mind many years. It is not pleasant to feel I am giving several years of my life to a book which must eventually be supplanted. It will certainly be of some value in disseminating information, and I shall thus have contributed my mite, even though it is but a little drop, to the stream of knowledge. I am ambitious to leave a work behind me, be it ever so small, which will live in spite of the changes of time; but I have not now the leisure, and I could not concentrate my thoughts sufficiently for such a task. I have to think of such a multiplicity and variety of subjects; for instance, very soon I must write an article on Cousin, and in order to prepare myself I shall have to read up in French philosophy. The subject of Cookery follows soon after, and not being satisfied with any article I have found, I shall furnish that myself; and so it is always. . . .

A letter received from Joseph Bonaparte, Count Survilliers, is interesting as a sort of apology for Napoleonism. As Lieber said in a letter sent to a German paper about a visit he made the ex-King: —

The simple fact of my being brought into communication with this man — so lately the King of Spain, and related to the mightiest ruler of his day — and of his aiding in a work

written by a former Pommeranian rifleman, who was wounded in a battle waged against his imperial brother, condenses in a nutshell the whole history of that agitated time. . . . As to the Count's personal appearance, I should describe it thus: he resembles his brother strongly; he has a short neck, round chin, high shoulders, and a nose like the Emperor's. The likeness to the portraits and engravings which I had seen was very striking. . . . His short stature and his bearing reminded me of Napoleon as I had seen him in the midst of his bodyguard in front of the castle in Berlin, when I was lifted on a servant's shoulders to have a look at him.

Here is the Count's letter: —

POINT BREEZE, NEAR BORDENTOWN, July 1, 1829.

SIR,—I have only to-day, on my return from New York, received your letter of the 22d of June. I have read the article you sent me, and return it at once as you request. The books that have been written on the Emperor Napoleon are so numerous that a mere list of them would fill a volume. You are, of course, acquainted with many of them. I have before me one entitled "Commentaries on Napoleon," published in Brussels in 1827, which is not mentioned in the account I return; neither do you speak of the work of Botta. Both of these are written in Italian. Amongst the works named are many, evidently libels, paid for by the enemies of the Revolution and of the Empire; others are impassioned writings, dictated by malice and anger. Even those written by men who were at St. Helena contain certain inaccurate details, but on the whole they sufficiently represent the views of the Emperor Napoleon. When these writers speak of individuals, and merely from memory, they sometimes make mistakes. I have a proof of this in my own case; and, at the time, I wrote to Las Casas, correcting his errors. The work of General Pélet is the one which seems to me to merit the greatest confidence. Young Ségur evidently desired to make himself acceptable to the new

court. A grandson of the Marquis of Ségur, minister of war under Louis XVI., he wished to have it forgotten how strongly he and his father were once in favor of the Emperor Napoleon. Walter Scott wrote for the English in conformity with their views, and gathered his information from the government which succeeded the Emperor. The Abbé de Montgaillard is a notorious enemy of the Revolution, and of Napoleon. Fouché's memoirs have been decided by the courts to be forgeries. Thibaudeau, member of the Convention and Thermidorian, attributes to Napoleon the retrograde movements which the dread of the Convention brought about in France. Napoleon endeavored to save France from the anarchy of 1793, and from a counter-revolution. Amid the wreck of all the parties he tried to avoid the numerous perils by making himself slave to no party, lest he should make it the enemy of all the others, and he obeyed a mandate which he conscientiously considered the need and the will of France, who demanded equality and liberty in accordance with her civilization. France felt, as he did, that at the end of the prolonged war which required a dictatorship, — that was never tyrannical, although superficial men have styled it imperial despotism, — she would gain, by a general peace, the great blessings which we find only here in the New World.

That Napoleon understood the will of the nation is sufficiently proved to posterity by his miraculous return from Elba; but the English Cabinet, in rekindling the war, made the continuance of this *despotism* a necessity, for Napoleon was forced to use every means of reconciling the governments of Continental Europe with France. Everything that Napoleon did — his establishment of an unfeudal nobility, his family relations, his Legion of Honor, his new kingdoms — everything was forced upon him. The English obliged him to do everything that he did by compelling him to put himself into apparent harmony with the nations he had conquered and wished to secure against the fascinations of England.

The struggle lasted too long. England was aided by the

Emperor Alexander, and by the Emperor of Austria; the oligarchies of Vienna and of Moscow uniting with that of London, at last triumphed over Napoleon and over France, thus sacrificing the future of the nations, and of the reigning sovereigns of Europe, who would have eventually acknowledged the advantage of a constitutional government. Even the aristocracy would have found a gain in the favor of their princes and in the happiness of the people, the result of an order of things required by the degree of civilization which we have attained. The good people of Germany were misled, and England, when about to succumb to the Continental system, gained the victory over her enemy through the aid of the very nations who should have seen in Napoleon the saviour, the controller of the destiny of Europe. For Europe craved legal equality, constitutional liberty, religious liberty, and a permanent peace, as security against the northern hordes and the Gothic prejudices which the nobles and priests inherited from the Middle Ages. Napoleon often said to me, "I need ten years more for establishing universal liberty."[1] He was a disciple of Plato and the philosophers. Yet he often repeated the words: "Je ne fais pas ce que je veux, mais ce que je peux. Les anglais me forcent à vivre au jour le jour." He needed two years of general peace for the accomplishment of his designs.

But I perceive that my answer has become an essay. I send you with regard to myself the only documents which I acknowledge as true. The bibliographic articles published in Europe are dictated by ignorance and prejudice.

With the most distinguished consideration, &c., &c.

On the 21st of September Lieber was married. The events of the following winter are recorded in the Diary.

October 3, 1829. Arrived in Boston. Many visitors to welcome us. We unpack the large chest from Hamburg. *Ce sont les plaisirs de mariage.*

[1] "Il me faut encore dix ans pour donner une entière liberté."

October 19. Write an article for Cotta on American Banks. During the last five days, Carey says, there were fifty new subscribers for the Americana.

Under date of November 1 he writes from Boston to his parents, brothers, and sisters: —

. . . I was much pleased that you sent me a picture of Humboldt. In order to admire this giant as he deserves, one ought to have lived in both hemispheres. If it were allowable to use the term for any mortal, he, more than any other, would lead me to call him Humboldt Divus. I am now reading the last volumes of his work, and feel an enthusiastic adoration for this priest of science; for what he has investigated, discovered, and accomplished is far more than he himself could ever have hoped. I shall propose to Silliman to try to get the insignificant name of Rocky Mountains, so inconvenient for other languages, changed to the name of the Humboldt Andes.

November 8. In Mrs. Ticknor's pew to hear Channing. . . .

December 6. Preparing my lecture for the Boston Society of Useful Knowledge. . . .

December 14. Channing and Pickering praised much my lecture at the Athenæum, and the former was surprised that I could speak so well in a foreign language. . . .

December 19. My second lecture at the Athenæum. . . .

December 29. I delivered my last lecture at the Athenæum. . . .

February 14, 1830. I write down my plan for a geographical, statistical, and ethnographical periodical. Letter from Carey. He says he has already printed four thousand copies of the first volume of the "Americana."

February 21, 1830, he writes to his parents: —

. . . I have to think of a thousand different things and be always ready to direct my assistants. To give you an example: I am writing the article "Cousin," and must hastily

dip into French philosophy, for to study it deeply is impossible. I read an essay "Sur l'Histoire de la Philosophie en France du dix-neuvième Siècle," par Damiron. At the same time I find that no article on Cookery suits me, and Cousin stands close after Cookery, so I must study Doctor Kitchener, Baron Rumohr, and the world-renowned Ude. This is only one instance, and you can form an idea how the powers of the mind must thus be scattered in many directions. Then comes the selection of the articles, the trouble with the printers, the hurrying on of work which has been placed in other hands, — and then no one can know what I have added and written myself, as indeed it has happened on several occasions that articles of mine, which were greatly praised, have been attributed to others. But I am happy. . . .

Again we catch glimpses of Lieber's life through the Diary: —

August 6. Save two little boys from drowning. News of George the Fourth's death. Lieutenant Slidell visits us frequently. We like him very much. He writes some articles for the Encyclopædia.

September 1. The two young Counts Otranto are staying at our boarding-house and call upon us. They are well informed and unpretending young men.

September 3. News of the Revolution in France telegraphed from the ship "Hibernia," below New York, to the city. It was communicated to us at the tea-table, the Counts Otranto present, and was so surprising that no one would believe it.

September 4. The newspapers confirm the intelligence. Lively conversation at our dinner-table. . . . If nightcaps and the cap of liberty were one, how free would Germany be!

September 8. Birth of our darling boy.

October. Horace, the servant, replaces some wine which I had missed, and says he had the care of it and must be responsible if it has been taken. The spirit of independence in Americans is, in many respects, very beneficial. It produces a far greater delicacy of feeling in the lower classes,

and greater ambition, and brings every one in closer connection. . . .

January, 1831. What a change! In looking back on the year 1830 it seems of far greater importance than many preceding years. I do not review it separately, nor does it seem significant because the events are recent; 1830 is but the consequence of 1789. Still it is in many respects of the highest interest, for when the friends of liberty thought that the fulfilment of their dearest hopes must be long deferred, a revolution broke out as momentous as it was sudden. The hard battle for independent existence has at length been fought successfully. Feudalism has had its day, and in the great course of events it has had to succumb to democratic principles. The struggle for deliverance may be prolonged, but cannot be eventually prevented. Much blood will be shed, and there will be cruel wars, for Russia is mighty enough to aid those who might at once yield to the demands of their subjects. Italy is full of combustible matter. Hungary will want to recover her lost privileges. Poland would strive to be free, and Germany will reawaken through blood and war to her struggle for unity and civil liberty. O Germans! give up your silly dreaming, and let not your good-nature and the so-called devotion to your hereditary princes interfere with your consciousness of right and your free development! Germany has to fight against her love of tranquillity and scholarship as much as against her numerous functionaries and princes, and nothing but unity can save her. It is the first condition of her liberty. . . . What shall I have to chronicle a year from now? . . .

The following extract from a letter to Ranke, the historian, reveals his keen insight: —

January 15, 1831.

As it is said of the great Copernicus that to the fact that he happened to live in Italy is due the sublime idea of his planetary system, so it is important for the historian to live in a politically active country, such as England or the United

States. . . . In Germany the student of history can study it only in the libraries ; in Italy, in retrospection ; but in England and America, in its actual existence. And for the present time, of which the key is the democratic principle, — I mean this only in opposition to the feudal principle and not with regard to form, — the United States and France seem to me to be the high-schools for history. The progress of the human race is daily more rapid, and the circle of civilization is enlarging with every year. Is not every newspaper of the day full of eventful history? I do not speak of this as good or bad, — as something better or worse, — but as a great historical change. . . .

Again we turn to the Diary: —

January 30. Promise our young friends to give them some lectures on hieroglyphics [Miss Austin, Mrs. Sullivan, and her sister Miss Lowell]. . . .

April 1. Wrote my article, "Immortality of the Soul," but not without restraint. I have to guard against attacks. . . .

May 20. I write my article "Kant."

May 24. In the evening, before going to bed, I took up by chance the songs which Jahn wrote for the celebration of the 18th of October. They made me very sad. That an enthusiasm so hollow, so unhealthy and unnatural, could exist to such an extent amongst those who seemed to be the most ready to do something for the people, is painful. I speak not only of youths, but of men such as Arndt and others. Can this be called poetry? There is nothing ennobling or invigorating in it. Sad as it sounds, it is yet true, — I look back on no period of my youth with unmingled pleasure. I know no period of German history which refreshes, elevates, cheers me. Only here in America have I learned the true value of liberty; and here is the turning-point of my life. . . . The other day, when I was reading Mariana,[1] the

[1] The Spanish historian.

thought became clear and distinct in my mind — a thought that had often before occupied me, and was first awakened when I read Machiavelli's noble "Principe" — that I must write the "Citizen," a work that should express all my inmost convictions. If I am made teacher of history in New York, and if there is nothing to be done for Germany, this work shall be my occupation for several years. In no other country could it be written as in this, for everywhere it would become or be considered a party matter. Here I could thoroughly investigate every important question, and give my views freely on all subjects connected with the state and the government without fear or hindrance. Should the success of the book bear comparison with the zeal with which I should write it, I should leave a name to my boy. . . .

August 14. I drove my little family to Northborough, where they will remain some time on account of Oscar. We had two sprightly little horses, and the country through which we drove was beautiful. . . .

September 8. Write my article on "Memory." Locke on "Retention" seems weak, nor does Dugald Stewart satisfy me. . . . The project of writing a history of representative government occupies me more and more. . . .

September 12. Finished Sterne's "Tristram Shandy." What an excellent book! . . .

September 17. Letter from Joseph Bonaparte, and from Matthews about New York University. . . .

September 18. Meet De Beaumont and De Tocqueville at old Mrs. Otis's. They are here to study the prisons.

September 30. Ashton, my famous barber-philosopher, said to-day: "Whenever I go to a sick person I get half a dollar. From poor people I never take anything, *never;* but then I don't go to them." We see a great deal of De Beaumont and De Tocqueville. . . .

October 4. Leave Boston; arrive in Albany on the 6th. Kind reception from Senator Marcy, who introduces me to Benjamin F. Butler and to Doctor Beck. They will write the article on New York for me.

October 10. Arrive in Washington. Call on Woodbury, who was very polite, and will introduce me to-morrow to the President. See Livingston, Secretary of State, who encourages me in the project of writing the history of representative governments.

October 11. . . . Was introduced to the President. He has a noble, expressive countenance; invites me to dinner on Thursday. . . .

October 13. Dine at the President's with the members of his cabinet. Livingston full of talent; so are MacLean and Woodbury. Cass not yet here. . . . Commodore Elliott one of the guests, and Mr. West, agent for the Neapolitan claims.

October 15. Arrive in Philadelphia. Received warmly by Carey, who is well satisfied with the sale of the Encyclopædia. Gives me a copy, made by Miss Leslie, of Vandyck's "Wife of Charles I." I visit the new prison established by the Quaker Wood, — the best in existence, according to De Tocqueville and De Beaumont. I shall make myself well acquainted with this subject, for I feel sure it will be one of the greatest interest to me, inasmuch as *right* and *wrong* have always occupied my mind.

October 16. *Sunday.* Visit Joseph Bonaparte in Bordentown, remaining from eleven until nine in the evening. He was exceedingly friendly. Sary, commander of the ship which had taken Napoleon to Elba, drove about with me in the beautiful park and told me much of Napoleon. Joseph spoke unreservedly on many subjects of great historical interest; calls America the happiest country in the world. He said, very wisely: "On peut bien intriguer avec les individus mais pas avec les masses. Il faut toujours des grandes principes ou des vastes vues pour avoir influence sur les masses." He is a lovable old man, so kind and gentle. I should wish to resemble him in my old age. . . .

On his journey he writes thus to his wife, October 9, 1831: —

. . . Judge Marcy received me very cordially. He is rather cold in his manner, but introduced me with great kindness to every one. I told him openly what I desired, and he found my plan of writing a history of representative governments worthy of the nation's support. He said that few Americans had a greater right to the citizenship of a free country than I, and that my foreign birth ought not to stand in my way; but — and here is the difficulty — that in a popular government like ours, everything depends upon patronage, and those who have worked for a party in power are sure to be the favored ones in all appointments, and that the applications were enormous.[1] Still, he promised to help me, and advised my sending him a letter next January, in which I should privately give an exposition of my plans and my desires, which he might show to the senators of his party and to the President. This is good and friendly advice. He also gave me a strong letter of recommendation to Cass, the secretary of war. I could not have expected a better reception, and I cannot but be aware that my "Americana" has given me this standing, considering that I came, only a few years ago, a perfect stranger to this land, and that now I am not scorned and laughed at if I presume to apply for a high position. I have great reason to feel thankful. . . .

His Diary goes on as follows: —

Washington, *October* 11. I am received most cheeringly, and every one encourages me in my proposed work. I have several invitations for to-day. At the President's on Thursday. He has the appearance of a venerable old man, his features by no means plain; on the contrary, he made the best impression upon me. We conversed on the state of Europe, on the Poles, &c. I found my seventh volume on the President's table. . . .

[1] It will be remembered that this was the Mr. Marcy who, a few months later, in the United States Senate, summed up the belief of the majority of the politicians in the words, "To the victor belong the spoils."

October 19. The meeting [in New York, about founding the University of the City of New York] was satisfactory. When I came into the room with Doctor Wainwright I was received with the words that they had heard I was to speak on German Universities, and all were anxious that the meeting should be opened by my exposition; so I read my remarks and thanks were voted to me, and the whole matter was referred to the committee of arrangement for farther consideration. Then I spoke freely in reply to some questions, and I felt how bold I was with my poor English. I dine to-day at Mr. Gallatin's; you know whom I mean, — the former minister to London. I feel quite clerical among all the reverend black-coats.

November 15, 1831. A very kind letter from Wilhelm von Humboldt. He sends me his correspondence with Schiller and Life of Schiller. A letter from Mr. Delafield, informing me that I am requested to deliver a course of lectures on History, in New York. I look amongst my papers for my comparison between the Nibelungen Lied and Homer, which I wrote in prison. I need it for my article "Nibelungen Lied" for the Americana. . . .

November 22. Last night I wrote "Niebuhr" for the Americana. I did not dream when I lived with him in the Teatro Marcello that a few years later I should be writing his life in Boston. Death has already written *finis* underneath it. Send to William Humboldt Indian pamphlets, "American Almanac for 1832," &c. . . .

December 18. Dictated to M—— for my "History of Representative Government." . . .

January 20, 1832. Birth of a little daughter. I send the second part of my article "Napoleon" to Joseph Bonaparte. . . .

May 2. Write an article for the "Courier des États Unis" on the taxation of the United States compared with that of France, in reply to estimates made by Mr. Saulnier.

May 14. Letter from Joseph Bonaparte. He says that the article on Napoleon in the Americana is the freest from

all prejudice and most truthful of all he had ever read on the subject.

June 8. To New York and Philadelphia on business, after having taken my family to Newton, near Boston. . . .

June 21. My interview with Carey, publisher, in Philadelphia, was in every respect satisfactory. He is ready to publish several books which I propose to him. . . .

August 4. Swam in the swimming-school with Mr. Audubon, the ornithologist, who has just returned from Florida, where he shot birds and painted for his large work. He discovered many new birds, and is now going to the Bay of Fundy, whence an English revenue cutter will take him to Labrador. On these expeditions he lives like a savage, shooting and fishing, and immediately painting whatever new bird he meets with. This must necessarily produce a valuable work. Doctor Spurzheim is staying at our boarding-house in Boston; he has many very correct ideas. . . .

November 3. Took my family to New York to join my brother-in-law. I must remain in Boston until the Encyclopædia is finished.

December 20. Jackson's Nullification Proclamation to the people of South Carolina. Large meeting at Faneuil Hall. Webster, Otis, Perkins, — all for Jackson. . . .

March 24. Judge Story writes: "Wherever you are, or may be, I beg you to believe that you will carry with you my warmest esteem, respect, and friendship. I shall ever take the liveliest interest in your welfare."

March 30. Party at Miss Sedgwick's; meet Washington Irving and Fanny Kemble.

April 3. Introduced to Captain Back, who, with his party, is on his way to the north of America to search for his friend Captain Ross, and for scientific purposes. Noble fellows! The days of chivalry are not gone. These are our knights-errant. Yesterday we visited Audubon. He will set out soon for the coast of Labrador, to observe the birds which migrate thither from the United States. I was almost resolved to go

with him, — uncivilize myself, which I would gladly do; but — I must work, work, work. I am all the time engaged with Beaumont and Tocqueville's book, my "Penitentiary System," &c. We take a house in Manhattanville.

May 29. To Sing Sing to meet Governor Marcy. Found Mr. Ady of Cambridge, England, and Mr. Crawford, who are here to study our prisons. Governor Marcy asks me to go with him to Blackwell's Island and the insane hospital. There are Liebers among the Dutch settlers on the Mohawk River. "Lieber's Bridge." Found the name by mere chance in the paper. . . .

July 3. I read to Matilda the review of volume three of Niebuhr, and the idea flashed through my mind of writing a Constitutional History of Rome — based on Niebuhr, Savigny, &c. — for more general use. I should write this history *con amore*.

July. A summer night here is very different from that in any country I have been in; much noisier, many birds, the loud crickets and frogs. The latter make a totally different noise from the European frogs. One kind is precisely like a crying child. How often have I not thought that one of our children was crying! The other gives a single bass tone, somewhat like the beating against a deep drum.

July 16. I called on Mr. Gallatin. (He regrets that he never kept a journal. His memory now has gone. Calls me happy that I keep one.) He wishes that he had written on one thing, — the administration of John Adams; "because," said he, "his turning out is the only revolution which we have had in this country. I should be able to write it well, because, though then a strong party man, I am now calm and can judge impartially. Both parties committed serious faults. Old Adams was wise, but not so his associates. He was right in turning out Mr. Pickering. Both the Adamses were the purest men and the most earnest searchers after truth the United States ever had. What they say is often indiscreet, but their actions, never. They are always open to conviction." We spoke of Demosthenes, and I said I could not

find him so great an orator as the best modern speakers. Mr. Gallatin said he had never read him in the original, and that his judgment, therefore, did not go for much, but that he had never found him as great as Cicero, whom, however, he had read in the original. "There is a great difference," he continued, "between addressing the people themselves, as Demosthenes did, or only their representatives. During the Western insurrection I had twice to address the people, and found that it is something totally different. You feel that each word may ruin you, and that you have to carry your point at once. From 1795 to 1813 I took part effectually in the politics of the country. After that I remained in public life, but only as foreign minister." He thought the Supreme Court should not decide between citizens of different States; it had lost its popularity, &c.

July 26. To Washington. An uncommonly kind letter from Mr. Duane, Secretary of the Treasury, promising to do everything in his power to promote my wishes. With Mr. Woodbury, Secretary of the Navy, and Commanders Rodgers and Morris to see the "Delaware," — a noble vessel! It will take Mr. Livingston to Cherbourg. All the yards were manned. It was a noble sight! Ye nullifiers, can you look at our flag and persist in your narrow, wretched politics? What men you must be, to sell all the Alps for a mole-hill! There is something in a flag which makes it quite unique: its graceful waving reminding one of manly boldness, as it sweeps over the ocean; its compact representation of a whole nation and a nation's glory, too, as is the case here and in England. . . .

On the 28th of August, 1833, died our darling little daughter, born on the 20th of January, 1832. . . .

September 1. Letter from Nicholas Biddle of Philadelphia, in the name of the trustees of the Girard fund, charging me to draw up the plan for the college. It is an important charge, and I enter upon it with what I might call a pious feeling. . . .

October 2. We have removed to Philadelphia. Arrived

six days ago, and are staying at a French boarding-house, kept by refugees from St. Domingo.

October 19. To-day finished the constitution for Girard College.[1] I have worked hard. To a Wistar party at Duponceau's. . . .

November 2. Evening at Carey's with Charles Kemble.

December 8. Yesterday morning I sent my report on Girard College to Mr. Nicholas Biddle, president of the board of trustees. My report will be printed. Mr. Peters, Recorder of the Supreme Court of the United States, wishes me to draw up a report to get a large appropriation for the Congressional Library. He says my plan of a *board of statistics* would take immediately. Mr. Wadsworth of Geneseo expects me to write on Legislation for a district-school book.

December 14. Wistar party at Judge Hopkins's. Became acquainted with Judge Baldwin. Judge Hopkins has a beautiful picture of Napoleon as General, given to him by Joseph Bonaparte; also a silver inkstand, which has been used by Charles IV. (of Spain) and Joseph. He has a fine Vernet.

January, 1834. Removal of the Deposits. The Bank is the absorbing subject; great money pressure. Carey will do nothing at present.

March 8. Returned to Philadelphia, after having delivered

[1] This Report and Constitution made an octavo volume of over two hundred pages, which was published by Carey, Lea, & Blanchard, Philadelphia, in 1834. For the General Introduction, see Lieber's "Miscellaneous Writings," Philadelphia, 1881, vol. ii. p. 497.

The founder, Stephen Girard, left a large sum, about two million dollars, for the establishment of a college for poor male white orphans, subject to certain conditions. One of these was that no ecclesiastic, missionary, or minister, of any sect whatsoever, should hold a position in the college or be admitted for any purpose, even as a visitor, to the premises. Some of the next of kin endeavored to break the will, alleging the immorality and illegality of this clause, and the case was argued before the Supreme Court of the United States in 1844, by Daniel Webster for the heirs, and Horace Binney and John Sergeant for the will. Webster's speech may be found in his works, vol. vi. p. 133. Judge Story read the unanimous decision of the court supporting the will. 2 Howard, p. 128; see also Story's Life, by his son.

lectures in New York. Went to Washington on the 12th. Made Clay's acquaintance, who said: "I did not think you were so young a man. Your reputation is far in advance of your years." Well received in Washington, and became acquainted with Calhoun, Preston, Wayne, Forsyth, Justice MacLean, Binney, &c. There was probably never more oratorical talent collected within an assembly of forty-eight men than at present in the Senate. I was there every morning. To-day I wrote to Story about studying law.

March 29. Conversation with John Sergeant about studying law. Judge Story received my plan very favorably indeed. Sergeant looks at it more coolly, yet not unfavorably.

On this subject he wrote to Councillor Mittermaier, April 1, 1834: —

. . . I am now about to make a communication to you which is entirely confidential. Some of the most distinguished lawyers of this country have asked why I do not study law as a profession. Judge Story advises me to do so, and it seems, indeed, that there are some good reasons for it. I should have the assistance of one of the first practical lawyers. Story and Sergeant assure me that, from their knowledge of me, they believe that I should be successful, and that my familiarity with foreign languages and literature would be of great advantage. Should I decide upon doing it, I should beg you to select such works for my study as you think would be of importance. I shall write more explicitly, and I do not doubt that we can mutually aid each other. If you find leisure to read my Report on the Girard College, I shall beg you for your opinion of it. . . .

June 3. . . . Leave Philadelphia for a trip to Niagara Falls. . . .

July 18. At present the following subjects are continually in my head: Letters on my Trip to Niagara, Principles of Legislation, Penology, Education, Journey to Europe, and how to make it most serviceable.

July 23. Castles in the air about Europe. Oh, that they might become realities! I cannot say I have homesickness for Germany, — but for Europe, for science and art. . . .

August 11. Key and Biddle tell me it is impossible now to publish my "Letters,"[1] because of so many recent failures. All trade at a standstill. I will finish them, nevertheless, and then see whether to publish them here or in England.

August 12. Wrote my sketch of a statistical table of the condition of the lower classes in various countries.

August 14. Yesterday and the day before, serious riots against the negroes. This evening they assembled to defend themselves. I went to see them. They were an uncommonly fine set of people, well formed and well dressed. There were white men there ready to assist them; the soldiers out. The mayor told them to be quiet, — but if they were nevertheless attacked, to fight like good fellows. . . .

In September he wrote to Charles Sumner, then unknown to fame: —

WASHINGTON, SENATE CHAMBER,
CHAIR OF SOUTH CAROLINA, September 16, 1834.

"Well, my dear doctor, I wish you filled — not this chair, for it is too worthily filled, but many another in this house. I would heartily rejoice in it," said this moment Mr. Clay, in his silvery voice, to me. "I should consider myself unworthy to fill any of your chairs here," I answered, "except the highest," — pointing at the Vice-President's. "Am I not modest?" "Far too modest," he replied. But why do I repeat this gossip? I have your two letters, and am very grateful, my dear friend, for your communications. Continue them, by all means, I beg you; they are valuable to me, in a great degree. The letter of Adams's I have already read.

[1] "Letters to a Gentleman in Germany, on a Trip to Niagara." Philadelphia, 1835. Published in London under the title of "The Stranger in America." 2 vols. 8vo. 1835.

How can you say it would be gall to me? Am I a small man? And how can you say it does your heart good? Do you then really mean to say you side with Adams, you love him, you admire his course? I do not understand what you mean; or do you joke? I hope to hear frequently from you before you sail. I do not forget you.

Of course you ought to see Washington before you go, to see men and judge of things, and carry fresh notions and impressions with you. You shall have letters from me to Legaré, Preston, Calhoun, and any one else I know sufficiently. To Gilpin, also, who can be very serviceable to you.

I have become acquainted with many people. They have all received me very kindly. . . .

The Diary touches the same period.

September 19. I saw Mr. Biddle. More cheering views respecting the mission to Europe. He thinks that it is important for me to go immediately, and as important to them to send me. The whole ought to be done forthwith. He will call a meeting of the committee on scholastic affairs.

October 1. To-day a pivot day in my life.

October 2. In the morning to Mr. Biddle. It is all in vain.

October 4. I have suffered much in these days. I cannot yet write without a bleeding heart. Sent yesterday my "Letters" to Murray in London, with my conditions, and the "United States Gazette" containing my biography.

October 14. It is painful to write in a journal after hopes have been blighted, of which the preceding pages show so many traces, and when we are living in a particularly dull period; but I must take courage, and who knows how, some time or other, these very pages may become interesting to us. My work goes very slowly through the press. . . .

December 19. Returned from New York. . . . I made in New York the proposal of my projected advertising paper,

to be called the "Alphabetic Advertiser," to Mr. Stone, editor of the "Commercial Advertiser." He could not decide upon it because not himself in charge of the business conduct of the paper. He proposes to have me for a literary assistant. I have now made my proposals in writing. God grant that I find at last a fixed spot! New York is a hundred times more stirring, encouraging, enterprising, than Philadelphia. I made also my proposals to the Harpers about a Life of Prince Blücher. . . .

The extracts from the journals which Doctor Lieber, busy as he was, kept for so many years, show very clearly his great anxiety for some secure position which might free him from incessant uneasiness about the support of his family, and allow him leisure for the serious tasks which he was eager to undertake. His intelligence and energy had already won him an honorable name in his new home, and he had made many warm friends; but the positions which he would have liked to fill were few, so that it is no wonder that at times he seriously thought of studying law and burying himself in a profession. Fortunately, this period of suspense was nearly over, and in a few months, as the reader will see, he received an appointment which, though in many ways not all that he wished, yet gave him time and encouragement for writing the books that have won him so high a place. His life in South Carolina was, in many respects, uncongenial to him. That he who was so firm a friend of liberty should be obliged to live among slaveholders was a continual source of grief; and the absence of congenial intellectual society was but poorly made up for him by the personal charm and amiability of his Southern friends. Still, the more lonely he felt, the more busily he devoted himself to the consolation

of unremitting work; and, although he felt keenly conscious that he was, as it were, stranded in an unsympathetic region, he won for himself the respect and admiration of those whom he would most gladly have influenced. His life at this time was a lonely one, but there were more than he knew who were drawing instruction from the work of his busy pen.

CHAPTER VI.

Under date of Philadelphia, February 28, 1835, Lieber writes in a hopeful spirit to his friend Mittermaier.

. . . The University of South Carolina is to be completely reconstructed, and some influential friends have interested themselves in my behalf, to obtain for me either the presidency or a professorship. Judge Story has again proved his warm friendship for me, and the great kindness of his heart.

Yesterday another friend, Mr. Nicholas Biddle, received from the governor of South Carolina a very pleasant letter, which gives me the hope that I may be appointed. Yet I am well aware how much I must give up in accepting the situation. I must bid farewell to all that is most precious and dear to me, and shall be compelled to live in a Slave State; yet I shall there have a settled sphere of activity, and shall be able to exert my influence in the right direction. It will give me the means of supporting my family, and the time to write on subjects which have long occupied my mind. But I must then depend still more on my friends, and especially upon you. What could I do in my exile without your support and without a literary connection with Europe? . . .

The Diary describes this Southern trip.

March 21, 1835. Took steamer to Charleston; arrived on the 28th. Made several acquaintances.

March 28. Savannah. Crossed Savannah River; on foot over Hutchinson Island; cross Bank River (Savannah) to Pennyworth Island, where Mr. Hamilton lives. Dinner, four different meats; the servants who waited at table were bare-

foot. Afterwards, with General Hamilton, who is uncommonly kind and to whom I feel more attracted than to any American before, to Mr. Rose's plantation, riding on the embankments.

April 2. Charleston. Dine at Colonel Pinckney's. Fine house; the furniture not quite of the latest fashion. I hate the northern fashionable uniformity. The dinner was given for me. Uncommonly fine wines.

April 4. . . . Philadelphia. Found Matilda and Oscar well. Oscar had prayed one evening to God to protect his papa, and the terrapins I had promised to bring him. . . .

April 28. I am now writing my reminiscences of my intercourse with Niebuhr. How intense a life I lived in Rome! . . . Rome and Philadelphia! Irregularity, with its stamp of age and historical growth, and modern insipid regularity! . . .

May 2. Send letters to Mr. Ticknor, to introduce him to Mittermaier, Ranke, Thiersch, Menzel, Förster, Hitzig. Received a very kind letter from Kamptz. I answered it, and suggested establishing a penitentiary on the solitary plan, near Bonn, as a moral *clinicum* for criminalists and government officers in general.

May 21. Dined at Colonel Drayton's; met John Quincy Adams, Horace Binney, Nicholas Biddle, Judge Hopkinson . . .

June 11. Letter from James Hamilton informing me that I have been unanimously elected Professor of History and Political Economy; and also one from General Duff Green, who intends to publish school-books and wishes my geography.

July 27. Trip to Boston; received *con amore*. . . . Many walks with Charles Sumner; often with him to see Story. Charles Sumner will be one of the lights of this country.

On his return to Philadelphia, Lieber wrote to his friend Sumner: —

My dear Don Carlos, — . . . My book has matured. It is all clear in my mind, even the six books into which I divide it, and the chapters of these books, with a mass of notes. I

am now reading a long list of books, in order to receive, perhaps, new ideas or to be led to new views, to glean, perhaps, additional authorities and to strengthen myself. . . . The title, I think, will be, "On Political Ethics, or the Citizen considered with regard to his Moral Obligations arising from his Participation in Government." What do you think of the title? Is it clear? Is it round? You must tell me; for, though I know you cannot propose any new title, not being sufficiently acquainted with the precise character of the work, you are able to say whether this one seems good to you. You need not talk about this book except to the Judge or Mr. Greenleaf or your intimate friends. . . . My plan is at present to lecture in South Carolina on this subject, and thus to write the whole gradually. Before I send the manuscript to London I wish you to read it; and if Judge Story and Mr. Greenleaf have not too much to do, they would infinitely oblige me by doing the same, for they must consider that I not only venture upon an entirely untrodden path, but upon a most dangerous one, where nothing but the precise middle will do. Moreover, the whole subject is one floating uppermost in the broad current of our time. My book will not pass by unnoticed, for it touches the vitals of the epoch we live in. All this incites me. . . . What you say respecting my probable application if I were rich is true. I would not, indeed, like Lord Egerton, translate, if I had, like him, ninety thousand pounds sterling a year; but whenever I have had money and time, I have not only been more industrious, but my mind has been more productive. So if you know some old Girard, have no fear; tell him to leave me a million, and I will make young men of talent work and produce in a way that it shall be a pleasure to contemplate. Ah, my friend, if you knew German! I have received real titbits from Germany; it is a pleasure to have such a book in one's hand! You know that Xerxes appointed a servant to call to him every time he sat down to dinner, "O Xerxes, remember that thou art mortal!" Now I charge you and Hillard to say to each other every morning when you first meet: "O Sumner," or "O Hillard, remember thou knowest not German!" . . .

I have received, as a special favor, a copy of the "Debates of the Council of State on the Bavarian Code" before its promulgation. Now if I do not make your mouth water I do not know what can. Until you know German I will call you but half a jurist, — a lawyer with one eye, a lame jurisconsult....

On September 1 he again writes to Sumner on the same subject: —

... Will you do me the favor, some time or other, to send me the *best* and most positive authorities or references to events which prove or show: —

1. That a civil officer of government is bound to disobey a palpably illegal order of government. You know the point was much discussed and written upon in the time of the English Revolution and the preceding period.

2. The strongest cases which prove that in monarchies it is held to be high treason if ministers (appointed by the monarch) conspire to make the sovereign dependent upon them, fetter his action, and keep him under their influence. You see how important this point is for me, for in my work on political ethics I shall show that every combination and league of office-holders (servants of the sovereign) for the purpose of influencing in turn the sovereign or lawgivers or appointing power, and especially the organization of a kind of society among them, and the levying of taxes for this unlawful purpose upon the salary paid by their master or masters, is philosophically absurd, institutionally unlawful, and politically treason, — that ministers have lost their heads for this crime committed against an individual sovereign, and that the crime remains the same though the sovereign may be a million-headed creature. I know several authorities and events relating to these points, but I want you to give me all that you can collect in the well-stocked stores of your head. Mr. Greenleaf has always shown a very kind disposition toward me, and I wish you would show this letter to him, as well as to Judge Story. Both will see immediately the drift of my ideas and the importance of barricading what I say

with numerous authorities of all periods. The peculiarity of English law has accustomed the English and Americans so much to *authorities*, that they are more or less guided by them in their decisions. Do not misunderstand me; I like authorities if kept in secondary array in works of original plan and thought. First let the thing grow out of itself, show its "internal necessity," and then prove that men under totally different circumstances, brought up in a different way, living in other countries and in distant periods, have come to the same conclusion and, it may be, have expressed the same ideas.

Since I have left you I have been informed, by letters and papers from the South, that the religionists represent me positively as an *infidel*, and some as an "infidel in disguise," so as to forestall all proofs which can be gathered from my works. Very charitable and Christian that!

His Diary goes on: —

October 3. Saturday. Left New York for Charleston by steamboat. Arrived October 8, Thursday. By rail and stage to Columbia. Arrived on the 10th of October.

October 10. I feel how far I am removed from active, progressive, and intellectual life. . . . And then slavery! This nasty, dirty, selfish institution! Preston, the Senator, shares my views on slavery, so does Professor Nott. Spent a fortnight with the Notts, then moved into our own house. Furniture not arrived. Mrs. Hampton lent us beds.

Preston I like much. He is a thinking man and a gentleman. The more I become thoroughly acquainted with the United States, I find there is not a sincere Democrat among the leading men, — not one, not a single one.

Columbia. *October* 27, 1835. So long I have not written in this Journal for several reasons, the chief of which was that our life was *unfreundlich*. I felt a reluctance to imprint on these pages what was so disagreeable in reality. Homeless, — ah, why can I not live in peace somewhere where I

know I shall remain, where I can feel at home and join in the life of my community! Here in the South we cannot live forever; that is certain. . . .

In the same strain he writes also to Sumner: —

Columbia, S. C., October 27, 1835.

. . . How do I like the South? Why, if you faithfully promise to keep strictly to yourself what I write on such subjects, I will tell you that, as a scientific European feels when he arrives in the United States, so does a man feel who goes from the North to the South. The people seem to be fine, open-hearted; in fact, I have become acquainted with some who made a most excellent impression. As for the rest, it is undoubtedly far, far behind the North, and my wife and myself are homesick for the North. . . .

Pray write me what you pick up in regard to science, for we live in an absolute desert here. Surely, forever I could not live so; I would rather go to Alabama and become a planter, make a competency in five years, and then become a writer.

By his Diary we learn his increasing disgust with Slavery: —

October 28. To-day Tom, as we call him, entered our service. He is about fourteen years old, and we pay his master $4.50 a month. The little boy brings with him a blanket, which is all he ever had to sleep upon. He has but one shirt. Slavery is abominable in every respect. It is a dirty, foul thing.

October 29. Last night Matilda and Abby (the nurse) made a mattress and pillow for little Tom. I feel humbled now more than ever. O God! what is man with all his religion, learning, and philosophy? Cold, hard-hearted, inconsistent, as soon as the question is about money, he adopts another philosophy, another logic, and turns the most positive commands of religion into a means to serve his interest.

The fact that the Americans are naturally a kind race, well disposed, makes it but the more humbling; for it is so with all mankind. It is man's poor, wretched, flimsy nature.

December 7. I delivered my address and was universally congratulated. Hamilton, Hayne, Petigru, and others were delighted. . . . Two thousand five hundred copies will be printed.

In another letter Lieber replies to Sumner's friendly criticisms on his last publication: —

Columbia, S. C., December 13, 1835.

. . . What you say respecting my "Reminiscences" is very flattering to me, but I dislike your remarks with regard to Mr. Niebuhr. First, you are right if you say that he did not speak for print; what sensible man does? Nor have I given the various reminiscences at all for the purpose of presenting something brilliant or new, but chiefly in order to afford a more definite portrait of him; for is it not worth knowing what a man like him has thought of certain subjects, though he had no original thoughts on them? That his sayings were not "epigrammatic, sententious, poignant," is true, but seldom do men of sterling worth and "action" (in life or science) deal in them. Though sometimes men of first-rate talents may spice their conversation with them, they indicate by no means a first-rate man. Brilliant sayings are like flowers: you enjoy their fragrance and delight in their lively colors, but they wither in your hand; while a thought of sterling simplicity is like the twig of a vine, without show or pretence, but you cut it on the banks of the Rhine and carry it to the Cape of Good Hope, and still it lives; you plant it, and it grows, — a new vine with abundant fruit. A brilliant saying is but too often like a single blow; shield yourself and it is parried off; but a sterling thought enters your mind like a wedge, and time and experience drive it in deeper and deeper. But I thought I had guarded against the expectations of brilliant and pointed sayings. A lady said to Marquis Chambray:

"Qu'elle ne concevait pas la réputation que s'étaient acquise des généraux qu'elle rencontrait dans le monde, et que lui semblaient plus qu'ordinaires," and he answers: "Que le mérite militaire n'était pas de nature à être appreciée dans un salon; que c'était un mérite d'action si on pouvait s'exprimer ainsi, et qu'on ne pouvait le juger que sur le terrain." Now this "mérite d'action" is not restricted to soldiers; it exists with politicians, judges, and *scholars*. "Les faiseurs," as the French have it, rarely talk much; those who have really pushed on a science have not been the most brilliant sentence-makers, and did I know no more of Johnson than Boswell's Life of him, I should be bold enough, I think, to say: "Doctor Johnson must have been a small man." There is a sententiousness, indeed, which is the consequence of vast acting and concentrated long experience, but it does not strike by its brilliancy. . . .

Again the Diary records his plans: —

January 4, 1836. I have the intention of writing in 1836: first, "Political Ethics;" second, "Text-Book of Ancient History." . . .

April 10. Wrote to Preston yesterday, asking him whether it would not be well to grant the franking privilege to perhaps one hundred savans in the United States. I would I could get it, for I cannot investigate a number of subjects with our present dear postage.

The scope of his literary projects may be learned from a letter to Professor Mittermaier: —

COLUMBIA, May 10, 1836.

. . . Do not fear that I shall give up writing my "Penology." It is one of the thoughts which has taken possession of my mind, and which will occupy me until I have mastered it. The whole subject in its elementary, legal, psychological, material, and historical aspects is clear in my mind, entirely so, and I shall not rest until I have ac-

complished the work. Still I beg you to encourage me, for it does my soul good to have the approval of able men. I hope to show that it is the duty of a state to reform the criminal; at all events, it must be her aim not to make him any worse. In this respect I differ from Feuerbach and all other publicists. On the other hand, I am far from taking the sickly religious and sentimental view. I have seldom seen any good result from exciting a prisoner's feelings in religious matters, but a great deal of good has been done by bringing him to a proper knowledge of his relation to the Creator. The experience of the superintendents of prisons confirms me in this opinion. It is a pity that in this place I have no incitement to my work, — none whatever. A man might as well write an essay on the government of the Tungusians as a book on Penology.

I have long occupied myself with the thought of writing on political ethics. It is time that the many subjects which have such a strong influence on politics, and yet do not belong to political or legal science, should be treated soundly and truthfully. I mean subjects such as public opinion, parties, factions, opposition, whether there is an obligation to vote if one has that right, what is to influence a citizen to vote one way or the other, friendship in politics, love of truth, perseverance, newspaper publishing, the duty of representatives, judges, advocates, and office-holders, — in case such duties are not determined by distinct laws, — and the pardoning power. I am aware that this is a new and dangerous field, — dangerous because I have to explore all these new paths, and because I am often obliged to touch on the most delicate points in such a manner that many will think my observations have some personal reference. The boldness of the work entices me. . . .

The Diary gives us some of his views on German literature: —

June 25. Received Heinrich Voss's "Letters." I no longer understand the Germans when they speak as they do of infi-

nite love. It becomes often sickening, and is always unmanly. There is no correspondence of distinguished men I love so much to read as that of Englishmen. How manly and full of character; how *civic* and full of literature!

June 27. Finished Voss's "Letters." I suspect very often that he thought more of himself than of his correspondent when he penned his letters. As for that unbounded love toward such a number of people, it is all exaggeration. Every one is glorious (*herrlich*). His view of Goethe confirms precisely my view. Goethe was a thorough egotist. His opinion of Jean Paul is not different from mine. He has done infinite mischief by making use of too many metaphors and forced witticisms, for every young fool in Germany has copied his style. . . . I do not say that Jean Paul is to be blamed on this ground, any more than is Michael Angelo because his followers caricatured the great master. They could see what was novel in his style, but had not the genius and power to invent and manage it. I blame Jean Paul for the thing itself. We Germans wanted a downright plain prose more than any other nation. Lessing, Goethe, and Herder have done much, but with our tendency to float in the abstract we have always a great love for images. They indicate a little what is meant, or what with the author himself is indistinct and foggy, and which he would give up were he obliged to speak in decent, plain prose. It is so infinitely easier to write in high-flown language, and use images, than to use sound, plain, strong, correct, precise, penetrating, and *lasting* language. I could write a book on this subject. Jean Paul's wit has ever appeared to me as made up, nor do I remember this moment one single witty thing in his writings. Not so with many witty remarks I have met with in French and English memoirs. Every page in Jean Paul shows you the inland man and the small-town man. He is at his best in "Siebenkäs." So Schiller had never seen the sea. Why did he not take a seat in the stage-coach and run down to the coast? . . .

December 9. Dined at Nott's with Legaré, Rose, and others. Fine talk. In the evening, party at Colonel Elmore's.

Calhoun's daughter has her father's forehead and eyes. . . . Meeting of the Useful Knowledge Society. Before the meeting Petigru pointed out to me a respectable-looking negro. He is free. He bought his wife, and as the children follow the condition of the mother, he does not know what may become of them after his death. He petitions the Legislature to let them follow the father, and Petigru says it will be granted. . . .

A woman who is employed as cook here and caters for parties is free, and has means enough, but does not buy her husband, who is a slave and the property of some one else, for, she says, "he is not over good, and might not behave after I have bought him."

December 12, 1836. McDuffie's farewell, and inauguration of Colonel Butler as governor. Butler's speech truly good throughout, with the exception of the end, declaring it his intention to do everything in his power to make all South Carolinians citizen soldiers.

February 15, 1837. Finished my letter to Gallatin on Languages, and sent the manuscript to the "Southern Literary Messenger."[1] The thing is not in its proper place.

He writes with feeling to Sumner: —

February 15, 1837.

I wrote to you but yesterday, my boy; but, now that I have your letter of February 4, I must write again. Your letter has made me feel sad. I cannot hear of any one going to Europe without feeling my heart almost burst. I *must* go there once more, for a thousand reasons. . . . I thank you for communicating to me that Chancellor Kent has mentioned me in his book. Though my name be attached to that work but like a barnacle to a noble vessel, I am glad to have thus been registered. I will not rest until I *force* the political and legal world to quote me. Let me but have leisure, and not live on the outskirts of the literary world, and I

[1] *Vide* "Miscellaneous Writings," Philadelphia, 1881, vol. i. p. 499.

will do it. . . . My "Political Ethics" leads me deeper and deeper; but never mind, it is the only way to get through. . . . Story continually asks me to finish my "Political Ethics." Mittermaier says: "Let the Ethics rest, and write your 'Penology.' We want it exceedingly." This is flattering, but I cannot work as I wish. . . .

His Diary reveals his distaste for some forms of religion at this time: —

February 28. This morning Professor Jones of the Theological Seminary preached in the college chapel — hell, eternal damnation, "God looks in despair upon the damned." Such positive blasphemies were uttered that I felt excessively sorry for having taken Oscar with me. The idea of eternal damnation, even of the very worst, is so abhorrent and unphilosophical that it is very difficult to me to imagine any reflecting man that believes sincerely in it. . . .

May 15. This month is thrown away, entirely so, because I must board in the Commons. The students behave perfectly well. Not once have I yet appealed to their honor and found myself disappointed. If you treat them *en gens d'arme*, of course they not only try to kick, but you give a zest to resistance. Still it is a trying duty for me.

May 16. Sent my manuscript on "Political Hermeneutics" to the North. Miserable time now for publishing. No sale for books in excited times. The banks in New York suspend specie payment.

Through Charles Sumner, Lieber solicited the opinion of Judge Story about his projected work: —

Columbia, S. C., May 9, 1837.

My dear Friend, — A few days ago I forwarded a letter to you, which you will receive together with a manuscript of mine on "Political Hermeneutics," or on "Political Interpretation and Construction," and also on "Precedents." The work was first designed to form two chapters of my

"Political Ethics." Since I have written that letter I have thought more about what would be best with respect to the manuscript, and I now will take the liberty of giving it in regular paragraphs and sentences, like a recipe of a cookery book.

You are herewith ordered, sentenced, and condemned to read the manuscript. . . .

Second. That you give the manuscript to Judge Story and Professor Greenleaf, with the humble request to peruse it. Tell them that I am *fully* aware how great my request is, and that it would be unfair under other circumstances. But if they will kindly remember that I am a foreigner by birth, that I have written and published a good deal, but nothing in this line yet, that I come from a civil-law country, that it must be of the utmost importance to have either the cheering opinion of such men, or to receive their *ne ultra*, then they will not put me in that numerous category of applicants for recommendations, by whom every one is pestered who may chance to have made his name known. I can imagine that our friend Justice Story is loath to give written opinions on unpublished books. I am so myself, and have frequently said to authors who applied to me: "Do as I did; break your path, and make recommendations follow." Whether he will think my case deserves to be made an exception I leave to him; in fact, I write all this to you and not directly to him, in order to leave him entirely free. If he has no objection to say what he thinks about the book, and if it should meet with his approbation, beg him to write me, and to let me know whether what he writes is strictly for me, or whether I may show it to a publisher as a guarantee, and whether he allows the publisher to make use of it. . . . Mark ye, I am far from begging him to do the latter; it would be very presumptuous. I only know how important such expressions of his opinion would be, and therefore enumerate the case with the others; but I know, likewise, that his position may prevent him from giving opinions on legal publications beforehand. If any one of you would write a downright English

law introduction, it would be excellent. At any rate, add by way of notes whatever may occur to you during perusal; but, before all, let me know candidly and frankly what ye think of it. It is important.

His family life and political observation are shown in his Diary of that summer: —

May 18. Yesterday, my letter to Petigru about studying law. Judge Harper says, having considered the matter for some days, "By all means."

May 21. Birth of another dear little boy.

May 30. Read to Oscar, by way of reward, my visit to Mount Vesuvius, from my Journal, and my heart ached. It is not only unpleasant, it is a positive evil, to live in a place or community you feel no interest in, and every recollection of which would be wiped off from your memory the moment you leave it; in short, a place with which you are physically connected only. Life does not touch us; the world moves on, and we are left behind. I cannot remain here forever! Mr. De Saussure tells me, "You must become one of us; you will only feel comfortable when you build a house in the sand-hills." Then may the d—— fetch the comfort! . . . Now compare: "Rome; ride with Niebuhr and Marcus, get out and see some ruins of Middle Ages, antiquity or fabrics of modern times, a view from some hill, streets with picturesque women; rise early, walk along the Tiber to a villa, church, or museum, — always surrounded by striking objects of the three different periods of history." This an every-day occurrence. . . .

July 21. Left Columbia for the North.

July 25. In Richmond. Wish to buy some trifling articles, and find that they will not change a golden eagle for silver unless I pay a premium.

July 27. I find the people on board the steamboat and elsewhere addressing one another as Whigs, as if the contrary were quite impossible, and yet when the polls are opened the

Jackson men prevail. The Van Buren ticket at Baltimore was headed "Jackson and Liberty." . . . "All will work right again" is the constant phrase in these topsy-turvy times. Yes, indeed; the Asiatic cholera has worked right again, too, but those who died of it, *died*. Show that something, never done before because people felt alarmed at doing it, *can* be done with impunity, and it is an established evil; it does *not* work right again. Still there is one good point connected with this which I must not forget: an American despaireth not; he is manly. Certainly this manliness appears at times to a European as a want of sensibility. Many excellent qualities in the American character, as well as some of the most objectionable, flow from this one source, — the comparative weakness of the imaginative powers; hence, no despair, no picturing of wretchedness, much patient endurance, but also no indignation at public villany, no *burst* of indignation. . . .

August 7. Boston. Sumner had received the manuscript of "Hermeneutics," and was much pleased with it. Went together to Judge Story. Happy, thrillingly happy, evening. It seemed to me like a victory, to have gained the approbation of an English lawyer for my new views. . . .

From Boston he writes to his wife, under date of August 17, 1837: —

. . . Last night I enjoyed an hour which was worth living for many a year, — one of those full, intense, entire hours, as I call them, in which you quaff life itself out of the deep and full goblet. I wrote you that Judge Story was so good as to promise to read my book on the State which, you recollect, I wrote "in the sweat of my brow." Yesterday I went to Cambridge with Sumner, and received the opinion of Judge Story. He had not only read my manuscript, but, what gave me infinite pleasure, he had studied it, penetrated it, had seized upon the prominent points and salient angles. There are about five entirely new things in this treatise, and of each

he approved thoroughly. He said that it was the best treatise he had read on government, that he had learned much from it; and, in short, he said so many things that, even if I deduct a good deal on the score of his personal partiality for me, enough remains to make me feel reassured, strengthened for our dull, weighing-down Columbia life, which, you know, has sometimes deprived me of all confidence in myself. Did I not at times believe I had become dull and stupid? (Perhaps these were the only *moments clairvoyants.*)

The evening was a thrilling one. There was a man standing high, having all his life occupied himself with good books and clever men, whose soul and mind I had touched and reached through the shield of all the thick coats of mail with which that which makes the real man is thickly clad. To make the moment almost perfect, there was Charles Sumner, a young man of whom I have the highest expectations, — nay, more, of whom I say, without possessing a particle of prophetic gift, that he will be a man in the choicest sense of the word, — and who stands in a truly delightful relation to Judge Story, who is friend, teacher, his father-teacher in the Veda sense. He enjoyed every word the Judge said of my manuscript, as if he spoke of a brother of his. There was but one solitary thought besides the crowd of feelings and thoughts which filled my heart, that was not growing out of the thrilling subject itself, and yet occupied my mind vividly, — namely, that I wished you, my faithful wife, there, not to share with you my happiness, but to read in your lovely eyes what full happiness was. . . .

Judge Story gave me a letter in which he has expressed his flattering opinion of my work, and allows me to make use of it as I like. I have now but little doubt that the book will be accepted in England. . . .

While enjoying this New England journey his mind was still busy, as his Diary shows us: —

August 18. Sumner, whom I highly honor and sincerely love, reads my "State," and makes most valuable notes. On

the stage to Hartford I think out the theory of property, and now I have it. Property is realization or enactment of man's individuality. Without it, no individuality; thence the constant tendency to acquire property. Man feels awe at the idea of being merged in the species without individuality. It is acquired differently: by production, labor stored, occupancy, violence, law. A child wishes to have a bed in a garden for itself. If they look at birds, children will say, "This is my bird," &c. Civil liberty is that political condition in which we may do (without compulsion) what ethics allows us to do. Hence, I must have the right to be a fool and spend my property badly; for if not, I should be forced to spend it well, which would not be liberty. Liberty always involves the possibility of abuse. . . .

August 24. Visit the State prison, and receive much information from Mr. Pillsbury, who has been warden at Wethersfield twelve years.

Concerning his trip through Connecticut he writes to his friend Sumner: —

New York, August 27, 1837.

The day before yesterday, my dear boy, I arrived here, after having inspected Wethersfield, where I was very much pleased with the chaplain of the prison, Mr. Barrett, and the warden, Mr. Pillsbury. It is always a delight to me to meet with a minister destitute of cant. I rode all the time outside of the coach, and was charmed with Connecticut. Really, the trip from Hartford to Middletown reminded me more of some parts of Europe than anything I had seen in the Union. Cultivation, civilization, accompanies the traveller the whole way. Hills and dales near you, fine mountains at a distance, well-fed cattle, neat girls, smiling houses, — it was charming. . . .

I have reflected a good deal on Property while riding on the stage. I think I have it now. Reflect on it, and let me know your honor's opinion. In the first book of the Ethics I show that man is an individual; his individuality is an

insoluble, inalienable attribute of his humanity. Individuality and humanity are one, — almost controvertible terms. Now, individuality applied to ethics gives moral liberty and responsibility. Man cannot become a thing.

Individuality applied to man's relation to others gives the jural relation, *jus* (not yet *lex*), — justice in the most general application of the term. Individuality applied to civil polity gives civil liberty. [Civil liberty is that *condition* in which man may really do (is not obliged to do) what ethics allow him to do; what he has a right to do.]

Individuality applied to the realm of thought, to productive mind, gives mental liberty; with reference to civil polity, liberty of thought, of the press; with reference to man's creative power, genius (not only in literature, but in law, in natural sciences, &c.).

Individuality applied to religion gives freedom of conscience. Individuality applied to æsthetics gives the freedom in the fine arts. Raphael and Mozart, Dante and Shakespeare, are creators. Individuality applied to *things* gives property. Property is the realization of man's individuality in the material world. Man cannot be, never was, without *mine* and *thine*. There is a constant tendency in man to individualize things, to *appropriate*. When children look at flying birds, at clouds, they single out one or the other, and say, "That is mine, this is yours." A child is anxious to have a bed in the garden of its parents, which it may call its own. My children call certain peaches, yet on the tree, respectively theirs, without any specific intention to eat them. It is the general *anxiety* of man to be an individual and to individualize everything around him. To be drowned in undefined generality makes him restless, unhappy. (Hence, also, a reason for love of country. We must single out one country, from among all countries of the globe, to call ours. The sound, "My country," is so delicious, — "my home," "my garden," — because we feel rescued from vague generality, stabilitated; we see our *humanity* reflected.) Had I to describe hell, as a second Dante, I would say that the evil spirits become a mere

species; they lose individuality, like brutes. This, too, is the great guarantee (for me) of individual, though purified, immortality of my soul.

This individualization of things, this relation of man to things, can be established by many processes: by production, if I make a canoe, a book; by appropriation, if I gather fruits, tame animals; by occupancy, if I declare things mine, and maintain my declaration by force, by law, by pre-emption, by positive declaration of the law; by mixed production, if I cultivate the ground; by conveyance of the rights of others, if you give me a thing, &c.

Sergeant, whom I did not find yesterday and for whom I left your letter, called this morning. He was very friendly, read the Judge's letter, and asked for the manuscript. He has it now. . . .

Do not swim too much in the sea of delight at your prospect of going to Mecca. How will you feel when you see Westminster Hall for the first time, — the hearth of British life, liberty, law, grandeur, and abuse? Whatever I may have said with regard to your charge of restlessness, I entreat you to speak always freely and entirely your mind to me, for it is but too precious to have one at least in the world, besides one's wife, that says all he feels; and it is useful, too. Even this remark of yours will not be without its use; and do I not, in part, owe to your reminding me the better theory of property, which, by the way, is now clear and neat in my mind. I feel perfectly master of it. I have likewise thought out more and better the theory that the state is a jural society. If the executor of Mr. Lowell's will appoints, as was suggested, lecturers for the season, you must get a course for me during a summer, and I will make your ears ring. Tell the Judge I love him, and remember me to Mr. Greenleaf.

Ever yours,

F. Lieber.

The Diary describes his journey back to the college: —

September 2. In Philadelphia, where I visit the penitentiary and the prisons. . . .

September 7. Washington. Went to the House of Representatives. Sent for Elmore. Introduces me to a number of members. Decidedly distinguished reception. Clay came up to me. Talk with Calhoun. Rives, Forsyth, and Poinsett out with administration. Calhoun is mind, through and through.

September 8. Studied in the library until three o'clock. Dined at Elmore's with a number of Carolinians, Preston among them. The Message is considered an orthodox paper as far as State Rights principles go.

Some days ago had a long talk with Fletcher. He said that Webster had never started any great question, and that on all great questions he has been in the minority. He was against a tariff, and a tariff was adopted; he was for the tariff, and it was abrogated. The same with the Bank.

September 14. To the Senate. Debate on the fourth instalment, whether to be deposited with the States. Webster, Buchanan, Calhoun spoke; also poor Niles. It was but small fire, and yet an amount of sound reflections, high views, &c. To what a degree the European race has worked, and how much has been achieved. . . .

The ease of our age, which is praiseworthy and infinitely superior to the Spanish stiffness of former times, degenerates sometimes into vulgarity, or at least into too great a familiarity. The aim of high breeding is to unite perfect ease with proper dignity. This mixture is the highest charm in a woman. . . .

Under date of September 25, 1837, he writes to Sumner from Fayetteville, on his way home: —

. . . I have thought that you founded perhaps your ludicrous charge of restlessness against me, upon the fact that I was busy of late about the Lowell affair and Girard. But what of that? You wrote me how excellent the first would be for me. The moment I found out that it was nothing, I gave it up. Altogether, I must insist upon one thing: have

I or have I not always gone on steadily with whatever was my main work, in however many directions I may have been looking around me at the same time? I have finished my Americana. I do not, I trust, neglect any duties whatever of my professorial chair. I do not believe that you have done me a great service if you have chimed in when Mr. Ingersoll, whom I have always thought very warmly disposed in my favor, charged me with restlessness. It is no mean charge against a *man*. Still, how many have not been charged with it, because the people did not understand the needle, which vibrated until at length it found its North Pole. To be sure, this North Pole is found with some only in death. . . .

September 27. I arrived toward eight o'clock in the evening at home, and found my wife and children already returned from the Sand-hills.

October 21. About a week ago we received the first intelligence of the awful and most tragical shipwreck of the "Home." We deplore the fate of our friends, Professor and Mrs. Nott. Their daughter had spent part of the summer with my family. . . .

A month later he writes as follows to Sumner: —

NOVEMBER 30, 1837.

I hasten to send you the last letter you will receive from me this side of the Atlantic, written in the faculty-room, while the students are on the rack of the semi-annual examination. I have of late been so overburdened with business that I have been unable to do much, yet by dint of carrying the day an hour or two beyond midnight — fine bull, this! — I have succeeded in writing somewhat to my satisfaction the first book, namely, on Ethics in General. I have founded as well as I could the idea of morality, and battled boldly with old Locke, who, unsatisfactory as he is in many respects, is surprisingly so in his whole book on Morals. I have likewise studied Brodie, a most excellent work, which you must read

by all means. I have added to my "Hermeneutics" a section on *authorities*. As soon as the examinations are over I go to the rewriting of Book II. I have mastered the subject, as I can say to you in confidence. I see its strength and see its weak points, and know the weakness of other views on the same points. Such as the whole is now in my mind, — digested, worked up, thoroughly kneaded, — it is entirely mine. . . .

And now Good-by; go quick and safe, and remember sometimes your exiled friend. Alas! everything might be endured, but that I cannot properly educate my child pains us grievously. Already do we feel it. He has a decided talent for drawing, and no drawing-master is to be obtained here. It grieves us to see how the talent of the boy struggles, and yet struggles in vain, with our poor assistance. I wish you had seen him, so as to tell my father-in-law what you think of him. He takes the liveliest interest in the boy. . . . Good-by. I say it with a full, throbbing heart. Remain my friend. Let thorough, deep, and detailed knowledge be our shield to protect us against vain, fruitless sentimentality; but, behind this shield, let us frankly approach each other with all the romance — call it so, if you choose — of Plato's elevated views of friendship.

Good-by.

CHAPTER VII.

Almost the only entries in the Diary at this time are the following: —

February 14. Story from real life. I arrived here in October, 1835. In January, 1836, W—— and another student were expelled on account of a duel. Since that time W—— has: —

First. Shot at his antagonist in the streets of Charleston.

Second. Studied (?) law with Mr. De Saussure in Charleston.

Third. Married.

Fourth. Been admitted to the bar.

Fifth. Imprisoned for two months for the above shooting.

Sixth. Become father of a fine girl.

Seventh. Practised law for some time.

Eighth. Elected member of the Legislature.

Now he is only twenty-two years old. What a state of society this requires and must produce!

March 8. Write from half-past eight to six in the evening without interruption. What a noble relation between Henry the Fourth and Sully! Perhaps there is no other instance in history like Henry's visit to Sully, when he tells him why he does not make him an independent Lord of the Crown.

From his correspondence these selections are made: —

FROM HENRY CLAY.

Washington, February 12, 1838.

My dear Sir, — I owe you many apologies for not having earlier addressed you. The delay has arisen from the multi-

tude of my engagements, public and private, and of the great extent of a vast private correspondence. I wished, too, to read your "Political Hermeneutics" before I wrote to you, and have at last been fortunate enough to command leisure sufficient to run rapidly over the pages. Without being able to present you with anything like a general review of the work, I take great pleasure in saying that I have derived much gratification from its perusal. It treats, I think, profoundly and philosophically, of the true principles which should govern in all cases of interpretation and construction. It may be thought by some, possibly, that two or three of your distinctions (that, for example, between a *transcendent* construction and an *extravagant* construction) are not sufficiently striking. But no one can come out of the perusal of the treatise without finding himself better prepared than he was before to expound any writing or instrument which he may be called upon to consider. I have no hesitation in saying that there is more information and instruction embodied in your work, on the subject of which it treats, than I have met with in all the other books together which treat of the same subject.

I was particularly pleased with your chapter on Precedents. If I could have desired any change in it, it would have been that you should have insisted with more earnestness upon the obligation of the legislative authority in a free country to conform to those expositions of its constitution which may have been often and deliberately made. If considerations of security and stability to private rights require that judicial precedents should not lightly be departed from, the same considerations of stability and security, in respect to the rights of a whole nation, enjoin that the fundamental principles — which have been deliberately settled in the administration of government — should not be too easily departed from. The present pecuniary embarrassments of our country, mainly produced by the varying conduct of government in regard to the power to establish a Bank of the United States, illustrate the mischiefs which proceed from a disregard of an established

interpretation of the Constitution, concurred in by all the departments of government and acquiesced in by the people of the United States themselves.

I am, my dear sir, with faithful regard,

Your friend and obedient servant,

H. Clay.

FRANCIS LIEBER TO SUMNER.

February 14, 1838.

. . . Do we not live in a world of cant, — religious cant, scientific cant, political cant, literary cant? Are not all the thousand and thousand orations and addresses cant, ever-revolving cant? How little sincerity and truth to others, and in particular to ourselves, is there in the world! What a repetition of hollow, unhallowed phrases! What an excellent work on historical cant-parallelism might not be written by a thorough historian, who, in spite of bitter experience, loves truth, and therefore mankind, and who does not allow himself to be betrayed into a witty or brilliant saying, because witty or brilliant. I have heard nothing from Philadelphia. They may mean to act on that cant-patriotism which plumes itself in selecting men from within the State confines only. A burlesque, to be sure, it would be in the case of Girard College, since the very man who left them all the money was a foreigner himself. The truer a nation is, the more essentially it is elevated, the more it disregards petty considerations and takes the true and the good from whatever quarter it may come. Look at history and you find the proof. Look around you where you are, and you find it likewise. How much more civilized are the French now than in the time of Napoleon, when they considered themselves arrogantly the only nation, or in the age of Louis XIV., when all beyond the confines of France were barbarians; and how willingly do they now learn from others, — the school system from Prussia, the penitentiary system from the United States, the railroads and parliamentary debating from England, &c. I mean to make my chapter on Patriotism a good one. . . .

FRANCIS LIEBER TO CHARLES SUMNER.

April 25, 1838.

Have you read Mr. Webster's speeches? Have you seen his last rejoinder to Calhoun? What a perfect clawing of a powerful bear, taking all the skin off, and a good deal of the flesh, too! Such a speech, I think, was never delivered before, because such an opportunity was never before offered to *such* a man: Calhoun attacking Webster personally on the ground of inconsistency, and Webster quietly rising and using facts upon facts, just like driving a screw deeper and deeper. I never have known such a wedge-like speech, each successive word bigger, stronger, more massive, and harder. The only pity is that, spite of what he may say, he cannot cleanse himself of inconsistency, — I mean upon some material points. . . .

FROM A LETTER WRITTEN TO HIS WIFE.

Committee Room, West Point, June 5, 1838.

Dearest M——, . . . This morning a gun waked us at five o'clock, — a very military rouser, right under my window! At six o'clock the examination began. Yesterday I was powerfully moved. At ten o'clock I arrived. At one the commandant, with all the officers, waited upon us. We then walked over the ground, saw the houses, &c., and by four or five, the cadets paraded. When we approached their line, the band — a very good one — played the tune which was our regimental march, the fine one from the opera "Cortes," by Spontini. How often had I, as a boyish soldier, felt the inspiring influence of that grand march! Previously, fifteen guns had been fired in honor to us. In short, I was wrought up to a high degree of emotion. How strange things will happen! That I should be welcomed here by the same march which, more than twenty years ago, had led me through the military archway! and that a composition of an Italian, made in the service of Prussia, should meet me here again on the high banks of the Hudson! and that I should write about all

this in English to my wife in the lonely Sand-hills of South Carolina! . . .

While at West Point he received a reply from Carey, who declined publishing his "Political Ethics." This had a depressing effect, and he acknowledged himself much disheartened. He says, in a letter to his wife: —

I confess to you, though I am willing to do anything in the service of knowledge, this peddling is most disagreeable, nay, painful, to me, and takes away all the pleasure in writing. Mediocre books, nay, even superficial ones, in my own science, sell better than mine. I had hoped to see my book published before we go to Europe, should we go at all; but I fear this will not be the case. I shall go to Boston tomorrow.

Boston, July 4, 1838.

I have made a contract with the first house[1] here for my "Political Ethics," not a brilliant one; but if you think that I seriously apprehended that I should not find even a publisher, we will not grumble. I know it will *fix* my name, bad or good. The same house will probably print my "Hermeneutics" as a separate book. So that I fairly enter. Professor Greenleaf talks of some points in the "Hermeneutics" as of the most essential service to law, and he has mentioned this to the students. He has shown me cases in which certain distinctions of mine find a most important application. He wants me to study law when in Philadelphia, and finally to become professor of penal law, possibly at Cambridge. Judge Story told me that lately at a meeting of the trustees of the University it was said that the funds would soon be sufficient to establish a chair of history, and that he hoped it might be offered to me; that I was one of the "onward men," and would contribute to raise the institution. . . . Hillard is very kind to me. He looks over my manuscript, and will correct the proofs. . . .

[1] That of Messrs. Little & Brown.

TO HIS WIFE.

August 1, 1838.

Sumner, who is received in London as probably American never was, dines every day with some leading lord or literary man, has been made member of the first and most aristocratic club, the Alfred, and has had eight invitations to spend the summer. Three tickets for the Coronation were sent him, — one from the Marquis of Lansdowne, another from a privy-councillor, while they were selling at twenty-five guineas apiece! He could give away two, which gave him a terrible *éclat*. I wished to copy his description of the Coronation, but it was in a letter to his father, which contained very private matter. He was admitted into the Alfred together with Prince Capua. The splendor, he says, was beyond conception. Some peeresses had diamonds worth £250,000. The uniform of Esterhazy was worth £300,000. Victoria looks, he says, like an overgrown doll. Prescott has sent me a copy of his beautiful "Ferdinand and Isabella." . . .

TO G. S. HILLARD.

December 3, 1838.

. . . Alas, it seems sheer mockery that Moneta was the mother of the Muses! Yet I dare say the ancients were right, because it is certain that she is not their daughter. So I have to expect pepper and salt from your quarter? I should have expected it least from the North of America. Is that gentleman competent? I know nothing of him. I trust I shall not hear anything of my not agreeing with Paley, who, *entre nous*, *soit-il dit*, is a very granny. Only when I shall see a review which shows that my essential points have been seized upon shall I feel much disposed to listen. And these main points are, among others, the necessity of man's individuality in connection with morality and sociality as a basis of civilization. This enables me to show clearer the true nature of right and the State built upon it. Hence, the necessity for me to form even a new word — *Jural*. I show

clearer what idea we have to connect with the word, nature, if applied to man, and thus reverse the order adopted by my predecessors, seeking as they do for the natural state of man in an ante-political state. I, for the first time I believe, dissect society, or rather societies, and show the different bases upon which they are founded, severing catallactic society from political. I first make sovereignty an attribute of society as such, giving a new definition of it, and separating it from supreme power. I thus am enabled to avoid the error and consequent mischievous reasonings of the contract, without falling into the opposite error of mere might, into which all have fallen who discarded the contract. I give, for the first time, the attributes of sovereignty, — public opinion, law, and power, — and show that law is not the merely made thing which it has always been supposed, but speak of the generation of law, and the great bulk which exists *always* above the *prince*. In short, I have endeavored to reconcile the historic development of the State with its philosophic ground, and wish, of course, to have succeeded. If ever I shall see that a writer has caught these points, I shall at once consider it as settled that he is an adept in these matters, and shall listen with profound attention.

Do you remember Paley's pigeon affair when he speaks of monarchy, and his nonsense about the origin of States? I can easily imagine what a review it will be if written by one who all his life has been taught to swear by Locke and Paley, and who now finds that a mortal can have the impudence to differ or not to mention Paley at all. . . .

TO CHARLES SUMNER.

December 23, 1838.

Hillard bears his bereavement like a man, yet that he feels warmly and deeply you know; for there are perhaps few, very few, so un-New-Englandish New Englanders as he is; but it is a fact — and I have seen it most clearly when I was at Boston last summer — that though the *natio Novæ Angliæ* resembles, as to *manifestation* of heart, very much some snowy

Alpine regions, yet you find Alpine roses, in all their warm colors, in the midst of the very snow and ice. Nay, so great is the contradiction of things, that while I meet in Boston, despite of my having lived there so long, with decidedly less social reception than in New York or Philadelphia, I have, nevertheless, in no part of the Union, I believe, so many warm friends as in Boston. I think you New Englanders are very much like shingles, — dry, very dry, to look at, to feel of; but set them to blaze, and they burn like a barn, — a remark which applies to your history as well as to social intercourse. Witness your convent affair. Good-by. Do you know my direction? I live in Columbia, Columbia is in South Carolina, and my name is

F. Lieber.

TO CHARLES SUMNER.

Columbia, January 8, 1839.

A happy New Year to you, my dear Sumner. May you see, learn, and live as much in 1839 as you have in 1838. I suppose that is about the best a friend can wish you. May you enjoy good health, that you may be capable to *receive Europe*, and may you do this that you may return to your own country to become one of the many links by which God unites period to period, an agent in his vast plans of the development of civilization and great mental exchange of the moving nations of the earth. The task before you is great and noble; your mind, your soul, have early been consecrated to become one of the priests in the sacred Temple of Truth and Humanity, of Right and Pure Liberty. Fulfil, then, your destiny and be conscious of an august calling. Be a true citizen by being a noble man. . . . You go now to Germany, and will see Prussia. Study it well. It is a country such as never existed in history and never will again, because it combines, in the most interesting manner, enlightenment with monarchical absolutism; and thus effects have been produced which only could be the consequence of so curious a combination, — effects, some of which other nations, who mean to do right,

ought to receive without exposing themselves to the same process by which they were obtained, just as we are bound in gratitude to God to study the antique, without believing in polytheism, which nevertheless produced Grecian perfection. You will see whether I said the truth, when, long ago, I asserted that Prussia was a refined, sublimated, perfected, spiritualized China. The same principles, the same religious esteem of letters, the same *church* of mandarins and anxiety to belong to it, the same peacock-feather distinction and universal love of it, the same exact gradation of titles, the same fatherly meddling principle in the paternal government, the same exact regulation of everything; but then Prussia is European, and China, Asiatic. Prussia belongs to the active, *nervous* part of the white race which moves on; the Chinese look back. Prussia forms part and parcel of a stirring, political family, — that of Europeans; China insulates herself. This would not be palatable to many, yet I believe it to be true. If I am mistaken, it is strange that every further observation has more confirmed me, and I wrote this remark down more than twelve years ago; and it had occurred to my mind some years before that. . . .

TO G. S. HILLARD.

January 24, 1839.

One word to you on the charge of pedantry. How often I have weighed the subject of quoting, &c., I cannot tell you; but my experience, as citizen of the United States as well as professor, has taught me that it is very important indeed to counteract a current of arrogant insulation. It civilizes people if you connect their mind with the history of their *race;* and it appeared to me that I was bound to show, as far as it could be done collaterally, what had been, how faithfully and earnestly some have striven for truth long ago. The making acquaintance with a considerable part of literature, even outwardly, only by passages or titles, seemed to me not unimportant. One thing leads to another. I owe thanks to many authors for faithful citation; it has led me

on. If I effect nothing by my quoting than that I aid, perhaps, some chap in Michigan, I consider myself already rewarded for what, you well know, is after all not pleasant in writing. That I always quoted accurately, and the full title, chapter, and verse, arises partly from the same reason, partly because, in a manual, that elegant and superficial way of hardly breathing the author's name, but omitting everything else, would have been wholly out of place. I knew very well that this way of quoting is not relished by French, English, or Americans. I did it, however, as a matter of conscience, — purely so. And now, enough. . . .

TO CHARLES SUMNER.

February 2, 1839.

Should you find in the present French discussion, on "*Le Roi règne mais ne gouverne pas*," any pamphlet of high authority,—*e. g.* by Guizot,—pray send it to me. From all that I can see, the French treat the subject entirely wrongly. The more I advance in my "Political Ethics," the more, perhaps unfortunately, the idea matures in me, despite of myself, to write a system of *Politics*. I say unfortunately; for I work at present so hard, — twelve and fourteen hours frequently, scarcely leaving my chair, *c'est la pure verité*, — and I believe to spend a year without a book in my mind would do me good; but I most positively can aver that, whatever may be said respecting the ancient belief in the haunting furies, there must be such beings as literary furies, or a pressing and irresistible inspiration. I struggle against it, but to no purpose. . . . O'Connell seems to play the devil in Ireland. Abolish the Union, let them have their own parliament, their own broils, reduce the Protestants to nothing, and I am sure he would from that instant cease to be the great national leader, and dwindle to a mere party leader. I think he has of late behaved like a fool toward the English. Still, in spite of his impudence, of his occasional very shallow notions, he is and will be considered a most extraordinary man in history, — a demagogue, if you choose, but no Cleon. There is no doubt

that, to produce just such a man, a vast ignorant multitude, wheedled by priests, and oppressed, too, is necessary; still few, indeed, could have made these given circumstances answer as he has. I consider the Irish question as difficult a one as our Slave question, though entirely different. So long as Ireland is Popish, — I do not say Catholic, — she will feel uneasy united to England.

March 4, 1839. A hundred times I have tried to continue this Journal, but it has been as if the pen would drop from my hand. Snow has fallen, four inches deep, while the peach-trees are in blossom, and the elms have begun to be green. We have just read Pepys. It is enough to make one afraid of keeping a journal. Such gossip! and yet I learn more, perhaps, from this book, respecting the real contrast of that worthless government to Cromwell's, than from any other. Finish my chapter on "Woman."

March 5. Snow still on the ground. Little birds at a loss where to find food. . . .

March 6. In the evening to the German shoemakers, — four well-behaved, well-educated men. I always make them sing together. One took out a flute, and with his pitch-begrimed fingers played so sweetly and delicately that the contrast was exquisite. . . .

March 8. From eight and a half to six without interruption at "Obedience to Law."

March 28. Our silver-poplar grows immensely. Vines grow a foot in twenty-four hours, which certainly, under a solar microscope, might be seen growing. . . . I have read recently Cavendish's "Woolsey," Tytler's "Henry VIII.," Shakespeare's "Henry VIII.," "Life of Erasmus," "Wellesley's Dispatches," &c. . . .

April 14. Another box of English books for the S. C. College Library. Book revel. . . . I looked over, with Oscar, "*I Monumenti d' Egitto e di Nubia*," Pisa. How beautiful! How instructive! What do we not owe those ancients!

April 18. In one strain from eight o'clock to half-past five

writing "Instruction," about thirty-two pages foolscap. This is not a bad pull, considering the subject.

April 24. A letter from Hallam, which gratified me much. He calls my plan magnificent. . . . Letters from Story and Greenleaf.

May 5. Finished the chapter on "Jury and Lawyer."

May 9. At three o'clock finished "War," — that is Volume II. of my "Ethics." I have yet to read it over. . . .

Thursday. At four o'clock P. M. I finished revising my manuscript of Volume II. of "Political Ethics." I was deeply moved. I thanked God most fervently that he had given me health so strong as to triumph over this winter's labor, which has been very great. I thought what a period the close of this book makes in my life. I thought of many things. . . .

Lieber kept no journal from July, 1839, until October, 1841, but some extracts have been taken from letters to his wife, who had sailed for Europe with their children in July of this year.

Boston, *July* 22. Almost all friends absent. I am translating the Prussian "Copyright Law," and read a good deal. The "Latin Synonyms" — you remember your reading Latin to me for ten days — are not yet out. It will take a whole month.

August 2. I shall hardly be able to bring our little fortune to what I had hoped by the end of 1840. It is not my fault. I live as economically as I possibly can, and yet a pleasure is spoilt; for it was one of my ideas, while you were absent with my dear boys, to toil hard, that the separation being over — alas, without the return of my dearest boy! — I might say to you and to myself: "Well, here is the beginning of a little independence." However, money shall not trouble me one way or the other. . . . I have lately read the "Life of Cromwell," by Forster, author of "Lives of Eminent British Statesmen." It left me oppressed and sad. There was such greatness,

such wonderful greatness in Cromwell, and yet the want of veracity, to spoil it all. Had he had courage to resolve to be true, like Ireton, he would have found the surest safeguard against all the fearful dangers which beset great men in civil wars. I always return to my old loves, Pym and Hampden.

August 5. Yesterday I had a very delightful day. . . . Yesterday I was at Nahant and dined at Prescott's with a number of people. It was a very fine dinner, — I mean by way of talk. Prescott is an exceedingly warm-hearted man. He ran after me in the dark, calling me, and when I asked him what he wanted, he said: "To shake hands once more. I have not taken proper leave of you." One might live better here, more as befits a mind that is not rude and a soul that is not cramped. . . .

TO G. S. HILLARD.

New York, August 19, 1839.

And now, my dear George, treat this book as a son of mine, whose name and reputation reflects upon me. All people of a vivid imagination are very apt to let the logical subject prevail over the grammatical, and altogether to refer words and sentences rather to the most important idea in their mind than to the words which have expressed them; hence wrong numbers, pronouns, &c. Pray see to that. If you find a repetition, strike it out, — whole lines. Never forget that, though every idea is the result of long reflection, study, and calm meditation, still, when I write, my soul kindles and I have no one afterward to read to, except my wife, who is, unfortunately, too much biassed, though sometimes she has proposed most excellent changes. You see, then, how much I must rely upon you. I can never be thankful enough for this real service. . . .

TO HILLARD.

August, 1839.

My dear Hillard, — One more letter from Ogdensburg, where my foot has kept me so long. But I hope to proceed

this evening. I have to make a request, my friend, which you must pardon, — with all the other troubles I have heaped upon you, I think, ever since I first knew you. You will find that I have given a chapter to officers, and how they ought to beware of meddling with elections.[1] I have there never used the true and old word, *Placemen*, and now see clearly that in many passages of that chapter, — especially where I say that nothing is so odious as an aristocracy of officers, — *placemen* would be the better, the more expressive, word; for officer reminds of office, of authority only, but placeman of the berth, the desire to obtain or keep it, &c. Pray, then, put the word placeman in where you think it would be better. I am not a stickler for words, but a great lover of truth, and any form which expresses fully what is to be expressed, and no more, has a great charm for me. Therefore give the rogues their real name, Placemen. Junius uses it continually. The whole occurred to me this morning in bed. . . . Where I speak of Instruction I mention Wilkes, who, I believe, must be considered the first who openly broached the modern theory of instruction, — that is, instruction connected with the representative system, and not as a plain consequence of the deputative system. Was it at the time of his expulsion from Parliament? I had no books at Columbia to ascertain it. If you happen to know, please insert the year in that passage. I read yesterday once more "Les Liaisons Dangereuses," the Machiavelli of Love. I do not say what a strange book, but what a strange period which produces so remarkable a book. That book is of great importance in the history of civilization. It represents a vast mass of things. I likewise took up Willis's "Pencillings" for the first time. What poor stuff! It is distressing to me that I believe there is no country where there is half as large and eager a reading public for flat, unmeaning, silly publications as in the United States at present. This will doubtless change. . . . Ah, my friend! pray for me, for soon I proceed to my temporary tomb. . . .

[1] "Political Ethics," vol. ii. bk. vii. chap. i.

September 19. At Ogdensburg. The rest has done my foot much good. A fine letter from De Tocqueville. He asks for a list of all my works, wishing to propose me as a member of the Institute next January. Mignet, the famous historian, will join him in his endeavor.

TO M. DE TOCQUEVILLE.

New York, September 20, 1839.

I only received your favor, my dear De Tocqueville, yesterday, or I should have told you ere this how much I am obliged to you for the interest you take in my view respecting the membership of the Institute. I shall send you all my works as soon as the Second Part of the "Political Ethics," now in press, is out. You will find, if you glance at it, that I have repeatedly referred to France on some important political questions. If you have time, pray read the chapter on Instruction (you remember what *instruction* means in English political terminology?), which includes some of the most essential points of the representative principle, and in what it is contradistinguished from the *deputative* principle in the Middle Ages. If there is anything worth reading in the book, it must be there; and I beg you once more to look at it, for I feel an interest to see it perused by the author of so classical a work on political subjects as your "Democracy." . . .

Pray send me everything you may lay before the chamber respecting Abolition so soon as printed. I have a large collection of materials respecting Slavery. This unfortunate word forms the inscription of one of my large boxes for the collection of materials. . . . It is possible that I shall soon write a work on Politics, in which, as a matter of course, I should make use of your "Democracy." . . .

Ever yours faithfully, &c.

Philadelphia, *September* 27. Went yesterday morning to see Mr. Biddle at his villa. . . . It is very strange that the first edition of my "Political Ethics" is nearly sold, and that

I have no idea who my readers are, what sort of people I talk or write to. . . .

November 20. Did I live an active life in some high sphere of action, I should not care for discomforts, or even poverty. Give me an army to conquer, and I should be satisfied with one wooden bowl, as Omar was. There are few in the world who can realize my situation. People who live in intellectual and social communion do not know how much they owe as to incitement, the starting of ideas, and their regulation and modification, to that very communion. The mere seeing a few persons who reflect and think, — it need not be in the same line, — and who are befriended with us, stirs, animates, vivifies. The mind is sharpened again as the razor on a strap. Now, I have not one, not even one, here who sympathizes with me, still less one from whom I could derive stirring knowledge in my sphere. My book, as it is before the public, I have been obliged to spin solitarily out of my brain, as the spider spins its cobweb, without one cheering conversation, one word of friendly advice, — in utter mental isolation. . . . I will not, however, forget what has been beneficial, and be thankful for the leisure I have enjoyed and faithfully used. . . .

TO G. S. HILLARD.

S. C. College, November 30, 1839.

If I were of a timid nature, my dear Hillard, your letter might have frightened me out of the little wits which nature has given me. Seven hundred pages! It is enough to drag a man with cork and bladder to the bottom. With such a book tied to my feet I shall struggle in future to float on the lake of literature like a man entangled in weed. And then your "I fear the size of it may prevent its sale." I trust you meant to say, may injure or interfere with its sale. I beg your pardon that I presume to correct my corrector, but a man in despair will do anything. Well, it must be launched, there is no help for it; and since it is so large, like a seventy-four, I only hope it has sufficient brass to defend itself, and

does not resemble the large lumber-vessels which sail from St. John, and are unable to weather any brisk gale of wind. . . . But, leaving pleasantry aside, all such remarks as yours only tell me again and again what, alas! I know.but too well, that I live in barren loneliness. The regulative and corrective, which a man finds in that friendship which unites intelligence with sincere affection, is denied to me, who, nevertheless, would make so good a use of it; which I may safely aver, because I know it from actual experience. No use in croaking; the book is printed; so go, my broad-bottomed duck, swim and float like a Dutch galliot as long and as well as thou canst. I have written my name on the stern. If it sinks, the name sinks with it. Now that the book is printed I must repeat my warm thanks for your labor. Believe me, it is a service which neither I nor my boys shall ever forget, and one which was much increased in value by the indifferent state of your health during the progress of the book. I thank you; I thank you from the bottom of my soul, and pray you most sincerely to give me soon some opportunity of doing you a service. If I were living with you, you should become a prime German scholar. "Paving-stones are our words"? You ungrateful rogue! Let them be pebbles, like the pebbles of Demosthenes; and as these cleared his voice, so the hard, pointed, angular, stony words of Germanic may serve to clear up minds. . . .

TO HIS WIFE.

March, 1840.

. . . If God should grant a removal, if God should grant a European expedition, I believe I should spend some time in Portugal. I should collect materials to write of that brilliant, noble, romantic period of Henry the Navigator, the discovery of the Cape of Good Hope, the settlement of India. It is a glorious subject, and, I believe, never treated before in the manner I propose. What a field! The reviving spirit of inquiry; conquest of Constantinople; the Turks pressing

from the East; that most noble prince, full of ardor to conquer, surrounded by learned men; the discoveries, judicious settlements; the wondrous tales of the East; the inspired Camoens; the study of sciences, philosophy, my most adored Aristotle; the influence of Ptolemy's geography on our Western race! But I should not write that work unless I could go to Portugal and study these things from the archives. . . .

March 19. Finished my letter to Preston on International Copyright.[1] It took me two days. I wished to be quite unencumbered, and read nothing on the subject, and had that mental comfort and *aise d'esprit* which I always have when I intellectually produce and strike upon new paths. . . .

April, 1840. A deep melancholy has overcast my mind these several days, — not sorrow, not pain, but a very deep melancholy. Six months have passed; I am strongly reminded of my going again to the North, and naught whatsoever has changed; nothing but that my Oscar must remain in Europe for an indefinite time. The very love we bear our children must tear them from us. We cannot bring them up here. . . .

May, 1840. . . . Speaking to the Rev. Mr. Elliot,[2] on our way from church last Sunday, he said: "I understand you perfectly; you dislike this species of property. I, too, do so, and never invest in it. The separation of families is an awful accompaniment of slavery. They ought to be attached to the soil; then they would be serfs, at least. How will this institution end, for *it will end some day?*" All these are nearly his words, — the words of a thorough Southerner, you must remember, — and I was rejoiced. . . .

[1] This excellent and still timely paper may be found in his "Miscellaneous Writings," Philadelphia, 1881, vol. ii. p. 329.

[2] Afterwards Bishop of Georgia.

EXTRACT FROM A LETTER TO HIS SON OSCAR.

Columbia, June, 1840.

. . . Let me here give you a general rule. Whenever you get a book you must decide whether you will read or study it through at once, or put it away as a book of reference, to read parts upon occasions. If the latter is the case, you must read the Contents. If they are not given, look over the Index. If that is wanting, you must glance over the book; so that, at all events, you know what subjects are treated of in the work. If you put it on the shelf without this, you might as well not possess it at all. Mark this, for all your life: the question is always important when we possess or own a thing, "Are we master of it?" Money, books, gardens, fields, power, knowledge, are not our own, although we may *own* them, if we are not masters over them. You must have the command, and, I may add, you have no command over anything without order and regulation. Aye, what I have said applies even to souls. Loving one another is owning one another's soul; but it amounts to nothing *real* if we do not thereby influence one another, have command over one another's soul. This will appear to you more and more important as you advance in life. I wrote it long ago among my German rhymes, in which I have stored up some of my experiences. . . .

TO MISS FANNY APPLETON.

New York, July 20, 1840.

. . . You say that Sumner is anti-æsthetical. If he be, — which is possible, yet I do not think so, — he is only what most American men are. But he is full of noble enthusiasm, true to the inmost fibre of his heart, without guile, ardent, very ardent, in the pursuit of knowledge, *empfänglich* for everything good and noble. He is persevering, he freely soars above utility, and is well stocked and firm with much knowledge. The very "musty law" to which he devotes himself is a proof of noble enthusiasm, for he does not aim at dis-

tinction or expect reward. About six years ago we were both at Washington. Judge Story made us purposely acquainted with one another. We felt much attracted. If he had then some slightly uncouth manners, or rather untrained gestures, I saw them not; and if he had them now, they would have little effect upon me, for Sumner is essentially a *man*, a true man. His reception in Europe sufficiently proves that there is something substantial and uncommon in him. I have another reason to feel attached to him, — he has always shown a warm devotion to me, not unmixed with a degree of enthusiasm.

TO THE SAME.

Boston, August 2, 1840.

I write this by a fire which my good landlady has kindled for her favorite. O Boston! O Siberia! O horror! . . . I not only found Sumner unchanged but much improved, — more manly, yet as childlike and simple; I use these words purposely. My attachment for him is very much increased, and already do I see that my noblest anticipations of him will all be realized. By the way, he, too, is absolutely enchanted by Fanny Butler. He saw her on three successive evenings at Cleveland's, "where she spoke like a divinity;" her eye beamed as he had never seen human countenance emit light. He forgot all harshness in the "Sybilla Persica" of Guercino. When he and Hillard rode home at midnight, they talked not one syllable except Fanny Butler, and exclaimed, what a happiness it would be could they hear her often.

TO CHARLES SUMNER.

New York, August 13, 1840.

My dear Charles, — Children are weaned abruptly; men must break themselves gradually. I cannot snap the thread of our communion suddenly, and must write to you, although I do not see that I shall be able to say anything worth saying. My intercourse with you has been so rich, so stirring,

so balmy withal, that I have thought of you ever since leaving Boston, and might have written twenty letters. In Newport I learned to shoot with the arrow, and ate fine fish. Here I found my brothers-in-law, and am staying at Ward's, where I have a truly fine library. Good dinners, good cigars, good fellows, Fanny Ellsler, and a fine letter from my wife, — what more is required to make a man happy? Sumner, your friendship is very dear to me. I thank God for it, and count it among the things worth being counted in my life. So destroy the letters I wrote with a sharp pen; or, if you insist upon not doing it, place this by the side. . . .

FROM W. H. PRESCOTT.

December 31, 1840.

I should sooner have thanked you for your friendly letter, my dear Lieber. I will not say Doctor, since that is a title you eschew, though you are very willing to shower it on the heads of your friends, it seems. I have not that aversion to it, and, indeed, have enjoyed the glory thereof for some three months, though I think it will be long before you will see that, or any other academic laurel, garlanding my name on a title-page. Still, such honors are a gratifying testimony of good-will and good opinion from the highest quarters, to which I think no scholar can be indifferent. . . . We are all moving here in the usual path of pleasure or profit; the last is the high road, the golden road, indeed, of pleasure in our money-making community. I wish we had a little more of the liberal tastes shown by John Bull when his bags are well lined. I had a letter from Sparks a day or two since, informing me of a visit he had paid to a worthy baronet in Worcestershire, — Sir Thomas Phillips, who divides his time between rural sports and letters. He has a great estate and a splendid library; for one item, eleven thousand volumes of manuscripts, — the largest private collection, I suppose, in Europe. Among them are some curious Spanish ones, of which he offers me copies. He has a private press in his establishment from which he turns off curious antiquities, printing only some

five and twenty copies of a work. This is the very cream of civilization, when fox-hunters find a relaxation in pleasures so intellectual. Our rich men go on heaping up the gold-dust, to be scattered into infinite atoms at their deaths again. I know several young men of good estates here, whose ambition is satisfied by the noble post of head of a cotton-factory; I mean young men who have received our best academic education. Yet this is better than the lethargy into which so many millionnaires fall into in other parts of our country, and in Europe, too. It is an active development of the powers, though in a grosser form, — a material civilization, better suited, perhaps, to the circumstances of the country where so much is to be created, than the intellectual civilization which belongs to nations who have already done much and reached the period of retrospection, contemplation. The exciting condition of things in a new and changing community like ours impels us forward. We have no time to reflect, little to study, except as this last prepares us to act. Go ahead is the motto, — a confoundedly uncomfortable one for a quiet, sedentary body who likes repose in an armchair. Sparks has succeeded beyond his hopes in getting access to materials and in discovering them, and will return in the spring from his tour to London and Paris, where he has been buried in the libraries public and private, with a rich freight of manuscripts, — the true ammunition for the historian. Bancroft does not set so much store by them, and places more stress on the manner of working up the article than on its original quality. Both are indispensable. His last volume meets with a great sale. He will now come on the Revolutionary ground, alongside of Sparks. The field is a wide one, and they need not jostle each other.

But I will spare you any further twaddle, begging you to believe me, now and ever, faithfully your friend,

Wm. H. Prescott.

Lieber's letters, during the last months of his wife's absence, were written under great oppression, for the

dear boy — "the apple of his eye," as he used to call him — had to be left in Germany when the rest of the family returned, — a grief which was most deeply felt by the tender father. The child was but ten years old, and, although left under the kindest supervision, the separation was a severe trial.

CHAPTER VIII.

TO CHARLES SUMNER.

COLUMBIA, Fools' Day, 1841.

THIS morning I received your letter of March, and thank you for it, for it is a letter, and a kind one, too. I cannot understand how you and so many sensible persons judge of McLeod's case regarding the international point. Of course, you do not think that I do not condemn in the strongest possible manner the Lockport proceedings. They were infamous. Nor do I know aught about McLeod's guilt, or whether any guilt there was, but I maintain distinctly and unequivocally that whether the British government declares that McLeod has acted by order or not changes nothing whatever in the case (provided the burning of the "Carolina" was effected in the United States), so far as the right of trying McLeod is concerned. The parallel you draw does not apply. If Wellington had done what you say, he would have done it during war; moreover, if Wellington had done aught against the laws of war and nations and natural justice, and the French could have caught him and could have tried him, they would have had a right to do so. Put the case thus: a vessel hovers about our shores and commits piracy; we catch it, and Judge Story is going to try the crew, when the captain produces letters of marque from the Iman of Muscat against the United States. Do you believe the judge would be justified in treating them as privateers, and not as simple pirates? Only take the case as if it applied to a domestic incident. If a king of England orders an officer to do aught against law, — *e. g.* to quarter soldiers on citizens, — in order

to exact money, the officer is guilty of a high offence, whether he acted by order or not, and in our case, a man shall be free of responsibility if he has committed an act against the law of nations, because a foreign government says, "I told him to infringe the law!" It is utterly untenable. If what McLeod's prosecutors maintain be true as to his act, it is the case of the Duc d'Enghien. Do you believe the government of Baden would not have had the *right* of trying the French officer who kidnapped the Duke, had they rescued him and caught the escort, because Napoleon would have stepped forward and said: "Stop, gentlemen, I ordered it so!" I repeat, I do not know whether there was a case of infraction of the laws of nations, but I do maintain that McLeod should be tried for the offence with which he is charged, and the avowal of the British government alters not a hair's breadth in the matter. That you are mistaken appears also from your own avowal, that there is no way of getting at the court and trial. If the matter were as you state, I think there would be a way. The Attorney-General would go and show the court that it has no jurisdiction, and the court would be bound to dismiss the case. I should like much to have Judge Story's opinion.

Pray, can you not send me the debate on the copyright bill in Parliament? Macaulay ought to be ashamed.[1] Some time ago I had a dispute with Preston. I maintained that Congress had no right whatever to impose the duty on authors to give copies to Congress, the Secretary of State, &c., because it was taking private property for public benefit without compensation, — except the general protection of property, which, however, is one of the general objects of government for which we pay taxes; and for these it is the duty of government to protect life, limb, and property, and no thanks to them. He maintained the contrary; and I was pleased, therefore, to see yesterday in Romilly's Memoirs that that excellent man pronounced twice the same opinion as mine in

[1] See Macaulay's Life, vol. ii. p. 121, Am. ed.

Parliament. . . . Can you not send me the "Examiner," with the refutation of Macaulay's speech? If you write to Talfourd you must say that I have charged you to express my deep-felt regret at his failure. But I hope he will persevere, as Romilly did when the Lords threw out, time after time, his bill to save a shoplifter's life. . . .

EXTRACT FROM A LETTER TO PRIVY-COUNCILLOR MITTERMAIER.

COLUMBIA, May 13, 1841.

. . . You can scarcely imagine with what longing I look for the arrival of a vessel which is to bring me new publications from Europe, for you can have no conception how a man in my situation feels. I live at the South, it is true, but with respect to culture and intellectual life, and all a man requires who takes part in the stirring movements of our time, I might as well be in Siberia. There is no use in deluding myself, nor have I the disposition to do so. If Herder complained of a disappointed life, oh, how much greater reason have I to despond! Not that I would compare my gifts of mind with his, but something exists within me which strives for improvement and development, and stands in need of its element as much, in proportion, as the soul of a Descartes or a Mozart. A little while since, I had some hope that an opportunity might offer for my return to the North. I had several expectations; but at present I have no prospect whatever in view, and so I am drying up, and even losing my energy. . . .

TO CHARLES SUMNER.

COLUMBIA, May 20, 1841.

. . . I like Miss L—— very much, and she was a general favorite here. . . . The last time I saw her I committed a blunder. Young Preston spoke with me of you, and in my stupid, wonted way I praised you, good-for-nothing, and concluded my sage speech with these words: "And there is not the slightest touch of Yankeeism about him," — meaning,

in the innocence of my heart, nothing that is peculiar yet disagreeable in the Yankee character, as all nations have some of these things. Miss L—— very spiritedly replied at once: "I hope there is a great deal of Yankeeism about him." I liked it much, and only said: "Oh, I mean as a man would say of a German here, 'There is nothing Dutch about him,' or of a Frenchman 'nothing French,' — meaning in that case only the peculiar traits of a Frenchman which are not desirable." She seemed pacified, and I had only to open one of my heart's sluices about Boston to show her that my American native place is Boston. . . . I wish some one could blow the breath of animation into Sparks. He, with his fine materials, will fairly occupy the ground of the Revolution. . . .

Write me whether you agree with me about that McLeod affair. I still maintain that I believe the English were right in destroying the "Carolina." It was infamous to mob McLeod, and the Judge ought to have preferred dyeing his ermine with his own blood to yielding. He is a mean coward. I believe the English are wholly mistaken if they rail at the United States because the executive says it has no power to interfere with State courts. The essence of all civil liberty consists in part in the existence of concurrent powers. The English ought to know this better than any other nation. And the English are wholly mistaken if they maintain that we ought to try him because the two governments are discussing matters, and England has taken the act of McLeod, if he did anything, upon herself. I farther believe, if I were a juryman, I should find McLeod not guilty, even though he had killed a man, provided what I have read in the papers about the "Carolina" and the attack upon her is correct. . . .

TO CHARLES SUMNER.

June 16, 1841.

Mr. Preston wrote me about the tariff. He wants my views on the item of books. My view is simply this, that it is narrow, mean, and especially unbecoming for a free, striving, wealthy nation to impose taxes on books, maps,

engravings, &c., that it greatly impedes its own onward march; and that, if publishers here must be protected, it would be over and above sufficient to say that all English books shall be duty-free one year after their publication, — until then, say, fifteen per cent *ad valorem*, and not per weight, which is too silly a standard for the pecuniary value of a book. Mr. Randall told me once that he had not imported a certain book because the duty would have cost more than the book itself. . . .

EXTRACTS FROM HIS DIARY FOR 1841.

June 29. Started on a trip to the North.

July 6. In Washington. Went to the Senate. . . .

July 9. Dined at Preston's, who speaks very highly of Webster. With him call on Webster, where I found President Tyler and Mr. Ewing.

July 10. Heard a splendid burst of eloquence of Clay's; but he is too irritable, and was not sufficiently courteous to Woodbury. "Can't I beat it into the Senator's head?" he repeated several times.

July 11. Revised my manuscript on "Property." In the evening at Roenne's (Prussian minister). He is now "Judge" under the treaty between Mexico and the United States, to settle differences. He was chosen by the two countries. Is this not novel?

July 12. Heard Clay again. Violent against Wright. Afterwards, severe fight between Buchanan and Clay. Clay often walks up and down the aisle; he is evidently restless. A long conversation with Calhoun. . . .

July 16. To the Morris Locomotive Manufactory. There were locomotives making for Berlin, St. Petersburg, and Havana. I like to visit large and varied establishments where metal is worked up. It is such a fruit of civilization! . . .

July 25. Went by way of the Catskills to Schenectady, to attend Commencement. . . .

July 26. Breakfast with President Potter. He gave me

his "Political Economy." The supplementary chapter on Trades Unions is truly excellent. I recommend it to every one who wishes to find sound ideas upon the subject. Gave me, also, No. 59 of the "British Critic" and the "Theological Quarterly," in which the Puseyites now write. I think they must become Catholics; at least, they ought to do so. They now maintain that the Church is not for man, but man for the Church. The Church is for God's glorification; it is its own end. This is just by seven centuries too late. To find a consistent end in all these matters is impossible. Free will and predestination both lead to absurdity if unreservedly carried out; but this is a little too much. God's glorification! Is that His own inward glorification? That could have been achieved without man's misery, fall, and redemption. Or, glorification by men? So God, an almighty being, creates puny men; they suffer, sin, die, and are damned, — all to glorify the Almighty! I dare say these gentlemen, to cap the climax, use the term "Church," — this dictum once uttered, — for the Society of Saints and the "Establishment" promiscuously. . . . Examined new scythes and patent mops. I like to look at American farming implements. American ingenuity is immense. Compare their ever-improving ploughs, &c., to the wheels in Italy and Portugal, which are as they were in the time of the Romans. I like to talk with American farmers. They are very intelligent, and always interested in hearing about farming in other countries. Everywhere that you find a number of American women together, you discover that their general genteel appearance is owing to the small head. There is probably nothing so distinguishing as these small, well-formed female heads.

August 2. Arrived in Boston. . . .

August 3. Dined with Sumner. All the time with him. . . .

August 4. Dined at Sumner's with Felton and Howe. Gave the latter my "Laura Bridgman" to read. Mary, Sumner's sister, is a sweet girl, so gentle and confiding.

August 6. Dined at Nathan Appleton's, in Nahant. Sumner gave me the print of Orfeo, by Crawford. . . .

August 9. Went to see Prescott's pictures. Isabella has a lovely face. Ferdinand is fine, much better than I expected. Gonsalvo has a most noble face. There are two of Cortes: one very forbidding but looks true; the other, full length, looks like a bad copy of a bad original. It is from Mexico. Cortes has a pinched face, — yet expressive, — large head, and small body.

August 10. Young Story takes the likeness of Laura Bridgman for me. Doctor Howe sends me his letter on my manuscript, in which he speaks very favorably. I went on horseback to the Wards', in Dorchester. Invited with Sumner. Julia Ward is very, very clever. At nine went to Mary Sumner. There is no girl I should like so much to have with us in Columbia.

August 11. An excellent, mentally exhilarating dinner at Prescott's, — Bancroft, Sparks, Sumner, old Judge Prescott, &c.

August 12. All the time with Sumner and his sweet sister. Last Saturday I met Chancellor Kent on board the South Ferry to Brooklyn. I thanked him for his kind notice of my "Ethics" in his "Commentaries." He answered: "I love your books. I love you, you are so sound and conservative. When I go on board your books I always know that the helm is right. You are very instructive, and a very safe writer."

August 17. From Boston to New York.

August 25. Get my first proofs of "Property and Labor," for which Harpers pay me $275. Old Chancellor Kent sends me the fourth edition of his "Commentaries," with his name inscribed. Story had done the same with his new edition of "Conflict of Laws."

The day before yesterday I called on old Chancellor Kent. He and his wife had left for a little journey. I found, however, Mrs. Hone, Kent's daughter, and her husband, now one of the four deputy-collectors of the New York custom-house. He told me this remarkable fact: "I have," said he, "one fourth of all the business. Everything entered passes through

our hands. Within the last three months have been entered, at my individual desk, Roman Catholic pontificals and altar furniture to the amount of 100,000 francs, — all from France. A few days ago the Bishop of Nashville entered pontificals to the amount of 13,000 francs. These things had been entered formerly duty-free; but the amount became so large that I thought it my duty to speak with the collector. We told the Bishop that we could not allow this to pass without the duty. When he insisted, I said the only way to enter them free would be if he could take an oath that they were 'tools of the trade,' — not, of course, believing that he would take the oath; but to our surprise he did take it." Catholicism seems to be spreading here as in Europe. The Catholics have taken up the catchword, and strive to show that their religion is essentially democratic.

TO CHARLES SUMNER.

New York, September 6, 1841.

. . . You said you might possibly write the review of my "Property." I should be delighted, and like it better than from any other pen, but you must pay attention to one point. From our table conversation at Mr. Appleton's I saw that you have not yet made Political Economy a specific, thorough study. I was older than you are now before I looked it up bravely. But an important point in my work is the development of the rights of property from its nature, to be known in a great measure through the science of Political Economy, because this branch analyzes property, products, values, &c., into their component parts. Since you *must* take up, some day or other, Political Economy, why not read now such a work for instance, as that of Say, which I consider a very lucid one? However, I am not so presumptuous as to expect you to enter upon a new branch for the mere purpose of reviewing a book of mine. I give this as general advice, or rather suggestion. Mr. Appleton says, at the beginning of his bank pamphlet, that money is not only merchandise but an equivalent. This is a very queer expression indeed. Of

course it is an equivalent in all cases of sale, for otherwise people would not take it for what they sell; but it is not an equivalent when people don't want it. When Richard calls, "All England for a horse," he would not have considered a five-hundred-pound note an equivalent. In brief, money is no equivalent in all cases where people don't wish for money, although we continue to value things by the measure of money. Send silver or gold into a starving country instead of flour, or to plague-infected Alexandria instead of physicians, or to shipwrecked people instead of the water they are craving, and see whether they consider it an equivalent. So are mats the measure of value in parts of Africa.

September 28. I looked again at O'Sullivan's report on Capital Punishment. Nearly everything that he says against it can be said against any punishment. Miserable argument, drawn from the fact that God created man after his image, and this image we destroy if we kill. What! is it the idolatrous idea that God made man's figure after his own? Or is it the mind, the will, &c., and this image we affect far more by imprisonment. So the argument that God did not kill Cain, but marked him. Forsooth, then, we must *brand* again. I have answered this argument in my letter to Governor Noble. . . .

October 8. Arrive in Columbia, bringing with me the horse and phaeton, — presents of Matilda's excellent brothers, — and found, God be praised, all well.

In November, 1841, Doctor Lieber addressed a petition to the King of Prussia, and sent it through Baron von Roenne, the Prussian Minister at Washington. Owing to Doctor Lieber's absence from Prussia, and his inability to appear in time, he was excluded from the general pardon granted to all political offenders at King William's coronation. He felt this exclusion very deeply, knowing that few of those who were pardoned had a greater right than he

to receive it. In his petition to the king, dated November 10, 1841, are these words: —

In the year 1815 I, the youngest of five brothers, at the age of fifteen, joined the army. We were all volunteers; two of us had been in the earlier campaign, four in the last, and all were wounded. I received at Namur two very dangerous wounds, from which I slowly recovered in the hospitals on the Rhine, long after the establishment of peace. With my mind very much excited, which my youth and soldierly life easily explains, I returned to Berlin and joined the Turners. In 1819 I was arrested, together with Doctor Jahn. Among my papers several foolish and absurd political essays were found, but nothing to convict me of participation in criminal acts or as a member of secret societies. After four months' imprisonment I was liberated and informed that I had not been found guilty of any punishable act, but that I could not be matriculated in any Prussian university and could never receive an appointment under government. In other German universities I was also prevented from entering, with the exception of Jena, where I remained some time, and then went to Dresden to study surveying. When the insurrection of the Greeks broke out I resolved to join the Philhellenes, having had sufficient opportunity to convince myself that in Prussia no career was open to me. I went to Greece, and returned in 1822, first going to Rome, where one of the best and most distinguished men of our time took an interest in me, — Mr. Niebuhr, from whose lips I have so often heard the highest praise of Your Majesty. He became my kind benefactor and affectionate friend. Were he still living I do not doubt that he, as well as Your Majesty's adjutant at that time, General Schack, — whose acquaintance I had the honor to make in Rome, — would aid my humble supplication to Your Majesty. While in Rome, living in Privy-Councillor Niebuhr's house, Your Majesty's father visited that city after the Congress of Verona. My benefactor told me that he had taken the opportunity of speaking to him about me, and

mentioning that I was afraid to return to Prussia, whereupon His Majesty, in very distinct words which Mr. Niebuhr repeated to me, replied that my follies should be forgotten, and that I might return to Prussia unmolested. When Mr. Niebuhr returned to Germany I accompanied him as far as Innspruck. How great was my grief when, on my arrival in Berlin, I found that I was still suspected by the police. Under these circumstances I thought it best to go at once and freely to his Excellency Mr. Von Kamptz, and to inquire whether or not I might remain peaceably in Prussia. Mr. Buttman, to whom I had brought a recommendation from Mr. Niebuhr, strengthened me in this purpose. His Excellency received me with great kindness, and he caused a ministerial order to be issued to the effect that I should no longer be molested unless I gave new occasion for investigation. Notwithstanding this promise I was once more arrested. No real accusation was made, but I was required to give evidence against a certain Major von Fahrentheil, whom I had visited at Erfurt before I went to Greece. Although the little I knew amounted to nothing but idle gossip, the idea was so abhorrent to me that I might destroy the happiness of a high-standing officer, a husband, and father of many children, that I stubbornly refused to give any information with regard to this visit. This was the only charge made against me since my return from Greece, nor had I held any unlawful communication, either by letter or deed, with any one.

My benefactor, Niebuhr, received a call to Berlin as Councillor of State, and came to see me in Köpenick, where I was imprisoned, as may be seen in his published letters.

Soon after this I was released, and proceeded to Mecklenburg, where I passed the summer in the house of Count Bernstorff, as tutor and friend to his sons. On my return to Berlin dark clouds again gathered around me, examinations followed each other closely, and a third imprisonment seemed unavoidable. I felt my courage breaking under this endless condition of mistrust, which I seemed powerless to prevent, and thus,

with the most profound regret and in bitter tears, I left Berlin to escape from Prussia and from the circle of her influence. I fled to England. In London I had hard and sad days. Alone, without any means, in that immense city, without any prospect for my future existence, in a moment of anguish and bitterness I wrote a letter to his Excellency Mr. Von Kamptz, whom I then considered the cause of all my troubles. Since then I have had the honor to correspond with his Excellency, and the satisfaction of obtaining his entire pardon for that inconsiderate letter. I remained a year in England, and went from there to the United States, where I hope I have not dishonored the Prussian name. Here I have no intercourse with other exiles. My friends in Germany have written me that proceedings have been begun against me, but have been suspended, owing to my absence. I have thus, unhappily, no prospect of having my daily increasing desire fulfilled, — to see my fatherland once more.

I therefore beseech Your Majesty to bestow on me the pardon granted to so many others; not, indeed, for the purpose of an immediate visit to Germany, nor for any distinct purpose, yet my humble prayer is none the less urgent. I wish to feel free, to be at least able to say, "of all the countries in the world, the land of my birth is no longer the only one from which I am excluded." Should these reasons appear trifling, too trifling to be considered by a monarch, I can only answer, with submission, that those who know from experience the trials of exile and the vexation of constant police supervision, and who still love their country with all their heart, will consider my reasons of sufficient import even to be brought before the throne of a king.

I pray your majesty to order the nullification of the process against me, and by your royal prerogative to decree that I shall be included in the general pardon granted on the 10th of August; and while I live I shall pray for the welfare of Your Majesty and of our fatherland.

I remain, &c., &c., &c.

The King of Prussia granted a pardon to Lieber and gave him permission to return to Prussia. The letter was received in Columbia, S. C., March 26, 1842.

TO THE HON. RUFUS CHOATE, SENATOR OF THE UNITED STATES IN WASHINGTON.

COLUMBIA, S. C., Christmas, 1841.

This moment, my dear Choate, I received your very kind letter of December 18, and reply at once, because you honor me — I don't take the word *honoring* in the common epistolary, but in its true, sense — by asking my opinion respecting Mr. Stevenson's correspondence; and the subject is one on which, as you may suppose, I write *con amore*. Before I enter upon it let me remind you that, in spite of my sincere acknowledgment of the excellence of Mr. Webster's letter to Mr. Fox, I still could not bring myself to the conviction that his doctrine laid down in the letter is admissible, — namely, that an individual cannot be made personally answerable for an act which he has done by order of his government, and which is diplomatically acknowledged by the latter as such. The more I have reflected upon the subject, and read in reference to it, the more I am convinced that that doctrine does not hold in general as it is laid down there, and the more I feel inclined to believe that the English were right in cutting out the "Caroline." They were probably right in this, and wrong in advancing their doctrine of impunity in the broad manner they did. I mention this only to strengthen my claim of impartiality. A man that makes history his constant study, and political ethics the subject of his continued reflection, may perhaps be supposed to look upon cases of international difficulty with some degree of fairness.

Before I received the document which you sent me I had read the correspondence and earnestly reflected upon it. This is the opinion I now hold very distinctly, yet with all deference to superior judgment, and holding my mind open and ready to any better conviction.

Let me state the gist of the case as I understand it. A certain species of crime, slave-trading (acknowledged as crime by all parties concerned), is daily committed in a certain part of the world. The British, amongst others, are bent upon stopping it. Criminals who desire to evade the British vigilance use flags of other nations — among others, ours. The English, in order to see their endeavors not wholly frustrated by one blow, claim the right to ascertain whether the hoisted bunting agrees with the papers or real nationality of the vessel, so that neither British vessel, nor that of any other nation united with the English in the same treaty, shall protect itself in the commission of the crime by the hoisting of a flag belonging to a nation which forms no party to the treaty. The American minister calls this *search*, which he says is inadmissible in time of peace, except by specific grant in a treaty. Some previous irregularities, as the seizure of American vessels engaged or strongly suspected to be engaged in slave-trading, *after* having been acknowledged as *bona fide* American vessels, are conceded by the British to have been irregularities or acts committed under a misapprehension of the wishes of the United States, and form, therefore, no subject of discussion, at least, none belonging to our inquiry. I believe I have stated the case as it really stands.

First, then, as to Mr. Stevenson's correspondence. No one will deny that it is conducted with ability, yet he most egregiously contradicts himself in the course of his letters; for, while he strenuously maintains all along that the flag — that is, the bunting with certain emblematic colors chosen as the peculiar sign of the United States — shall form a talisman against any intruder, he all at once says, in his letter of October 21 to Lord Aberdeen, that all he claims is perfect absence of intrusion for "*bona fide* American vessels, and not for those belonging to nations who might fraudulently have assumed the flag of the United States." I allude to the paragraph which begins, "Now, the undersigned begs to observe that Lord Aberdeen," &c., and ends, "sailing under

the protection of the flag of their country" (see President's Message, pages 38 and 39). But the whole difficulty centres on this solitary point, Shall or shall not the hoisted flag be sufficient evidence of the nationality of the vessel? If we do not decide this point we may as well abandon the whole discussion at once. This must be decided, or the whole inquiry floats like gossamer in the air. It is all the English now claim, — namely, the right to ascertain whether the vessel is *bona fide* American. If it be, they admit that they will not in future detain it, even though evidently engaged in the black traffic. That Mr. Stevenson could entrap himself in this contradiction, while he otherwise conducts the correspondence with ability, would alone be sufficient to incline an impartial observer to a strong suspicion against the general tenableness of Mr. Stevenson's ground.

Secondly, as to the substance of the discussion, — the point in question. Mr. Stevenson calls the ascertainment of the agreement between the hoisted flag and the actual nationality of the vessel, *search*. *Search*, he farther says, is a right of war alone, and would be, in time of peace, a disgrace not to be submitted to by a sovereign nation having the slightest pretence to self-respect. I say *Amen*, and feel, I trust, as acutely for my nation's honor as Mr. Stevenson. He farther says the flag alone must protect. The English say the flag alone cannot protect, and never has protected, where there is suspicion; and if we send an officer on board a vessel which has hoisted your flag, to ascertain whether the flag and the bottom agree, it is not search, and we do no more infringe the law of nations by this ascertainment than we commit an infraction of Magna Charta, or the general law that every peaceable citizen shall remain unmolested at home, if we stop a man who looks honest and has decent clothes, but comes out of a house where murder has been committed, and ascertain whether he be the man he looks to be.

It appears to me clear that the discussion has been in this case, as it happens so frequently, rendered difficult by not

ascertaining the precise meaning of a term, and by using the same word at times in its positive, at others in its tropical, sense, — I mean the terms *search* and *flag*. Let me speak of the latter first, because the inquiry will be shorter. *Flag* means, first, a piece of bunting with peculiar national colors, and, secondly, the nationality of the vessel itself, because it is the most striking and the emblematic sign of that nationality; just as we use the word *epaulette* for a thing worn on the shoulder, and tropically for the rank of an officer; as we use the word *crown* for the golden ring worn by a king, and for the king and his government, — nay, in diplomacy, for a whole nation, because foreign governments have to do with the executive alone, and the chief officer of the executive wears that crown, or is supposed to wear it. The word *flag* is used in international law in both senses. It is a general law that, if there are not peculiar circumstances which change the matter, a child born under a certain flag is a native of the country to which that flag belongs. No one dreams of the nonsense that *flag* in this connection means the bunting, and that a child born on board an English man-of-war which happens to have hoisted, by way of compliment, the French flag on the birthday of the French king, in a French port, is on that account to be considered a Frenchman. As well might a man take a bushel of earth from your garden in front of the capitol, carry it to St. Petersburg, strew it in the room where his wife is to be confined, and afterwards say the child was born on American soil. If this inquiry appears frivolous, it is not so in reality, because Mr. Stevenson has evidently allowed himself to be drawn into argumentative mistakes by not attending to the two very distinct, although naturally connected, meanings of the same word, *flag*. In this respect, therefore, Lord Palmerston was right, if he asks: "Is the *flag* that piece of bunting which is hoisted?" We shall presently see that this distinction of the two meanings is of importance, after we have inquired into the meaning of the word *search*.

What is *search*? The very adoption of the word indicates

what was meant by it when it came to be adopted. *Searching* means looking for hidden things or disguised persons. No law-book, I believe, has ever called the looking at papers, and no more, a *search;* as little as, in those countries where passports are in existence, a comparison between the described features on the paper with those of the bearer would be called a trial. *Search* relates to contraband trade, enemy's property, troops, or dispatches, and exists in time of war only; it is "strictly and exclusively a war-right." Whosoever claims it in time of peace commits a grievous act of tyranny; whoever submits to it in peace is a degraded coward. But, is what the English claim the right of search? They say, "We only wish to know whether the hoisted flag agrees with the nationality of the vessel;" in other words, "We only want to know the nationality of the vessel, — the *true* flag. We honor your flag, but before we can do so we must *know* it; and that the mere bunting is not sufficient proof, every one will admit who knows that there is not a pirate so poor that he has not some whole berths full of all sorts of flags." "Do you," say the English, "at once feel satisfied if you chase a suspicious vessel and she runs up a neutral flag? or do you continue to chase her, and if overtaken, ascertain the *real* flag, — that is, the nationality of the vessel, which ought to be expressed by the bunting, but is not always so?" Still, it is readily admitted that that bunting is a most delicate matter, for the very reason that, with all true vessels, it is the sacred emblem of the nation, the symbol of the nation's majesty, and that the universal stopping of vessels, to ascertain whether bunting and real flag agree, would lead to great inconvenience, vexation, and eventually to the disturbance of peace. So would the universal stopping of peaceful citizens within a country. The right, therefore, of this ascertainment, or verification, can be used only in cases of strong and decided suspicion, and *always* has been made use of under these circumstances. Every one has the right to do so on the high seas, because every one there is master. All nations meet there as equals, as masters, independent. No

one has ever denied the right in case of piracy. The question, then, is reduced to this narrow limit: Are the seas where the English desire to practise the right of verification suspicious or not? The answer is easy. The British know that high crimes are committed there by their own subjects and those who have concluded a common treaty with them, and in order not to confound Americans, over whom they have no right, with their own criminal subjects, they desire verification; and in not believing a hoisted flag, merely because it is hoisted, they no more offend us than we would offend them if, in time of war with the French, we should capture a man in British uniform, and, suspecting foul play, examine close into the matter. Mr. Stevenson seems wholly to have forgotten that, because the sea is the great unappropriated field of nations, this is the very reason of their coming in close contact with one another; and contact without mutual acknowledgment, or contact without an intercourse founded upon general principles of fairness mutually granted, must ultimately lead to rupture. There is no such thing as absolute independence, or rather isolation, in civilization. It only exists in the savage life, and, of course, in but a very limited sphere.

My opinion, therefore, is that Mr. Stevenson has been misled by the term *search* and the confusion of the two meanings of the one word, *flag*.

Lastly, if we consider the question politically, I know that the subject has already been brought before the American public under the term of *search* so justly odious to us on account of the last war. But there is no other lasting and advantageous policy for nations than that of justice and truth, no other line to be pursued with profit but a lofty one. If the right of verification be promptly and nobly acknowledged, no doubt many papers would beat the alarm; but what great nation has ever been ruled for its own benefit by a string of newspaper articles? Truth *will*, after all, gain the victory. But why not avoid, if need be, this whole discussion by frankly joining the great treaty? Our people are perfectly right to

be chary in maritime matters with England, and cannot be justly supposed to have forgotten the causes of the last war. But would it not be insulting them to believe that they would allow themselves permanently to be swayed by a word, and a misapplied one, if we speak of the right of verification, or one that necessarily loses its whole offensiveness by the perfect reciprocity which the treaty would imply? Surely France is not easily duped when national honor is the question, yet she has long joined that Christian league, — a league for the rooting up and total extirpation of procedures which we have the great honor of having officially stamped with their true character as piratical crimes.

This letter has become much longer than I intended. You must excuse me.

Ever yours, &c., &c.

TO CHARLES SUMNER.

COLUMBIA, January, 1842.

. . . I found a glorious precedent to our repudiation doctrine in Duclos's "Memoirs of the French Regency," when everything in France was in a financial mess and mire. The communication of that passage to some sound Congressman would be worth a ten-guinea fee. The very prototype to our darling democratic repudiators. . . .

I repeat what I said when last at Boston: men like Appleton, Lawrence, *et hoc genus divitum ac bene nummatorum*, should club together to issue a series of "tracts for the people," written by the most competent men of the land in a truly instructive and attractive manner, on a number of important subjects, as on Government, Obedience to the Laws, Property, Labor, Social (Political) Economy, Trades Unions, &c., — each tract to be sold very low, and at least five hundred thousand copies to be distributed, and afterwards to form a good popular book to be used in the higher common-schools. Great judgment in conducting the whole will be necessary. Sound tracts, well written, succeeding each other according to a judicious plan, and properly directed, are like shot

cleverly aimed and perseveringly fired, and you know the old saying, *gutta cavat lapidem non vi sed sæpe cadendo*, although in this case the *vis* and the *sæpe cadendum* should be united. . . .

TO CHARLES SUMNER.

COLUMBIA, March, 1842.

. . . On my rides I have repeatedly been brought back to 1642, — the battle of Edgefield. An *oration* — woe to me! have I come to that? — lies ready in my mind. The thing now troubles me. Could one *send* an *oration*, if invited to deliver one? If so, get me an opportunity to shake that Alp off my mind. You will see at once that the subject is one I can handle well, — I mean as to thoughts, not as to language, — I do not pretend to that; and, after reading Hillard's speech, I feel like *eine begossene Katze*, *i. e.* a cat on which water has been poured. I draw in and stand mute. . . . Have you seen Mr. Wheaton's book?[1] Of course you have Lord Aberdeen's letter. This is the first public document which hints at the discrepancy in Mr. Stevenson's correspondence, of first clamoring against any visitation, and afterwards guarding himself against the charge that he means any vessels but *bona fide* American vessels. I mentioned this in my letter to Choate. If the British government cannot furnish to every cruising officer a pair of those spectacles of the nursery tale, by which you can see through walls, I cannot discover, to save my life, how they shall know which is which. I sincerely wish to know whether there is the man who can in his conscience gainsay Lord Aberdeen. . . .

Don't you think the Asiatic disasters will result in a great extent of the British empire? Beat the Romans in their best period, and you may be sure to be beaten in proper time. I use the word Romans because they fought generally against barbarians. . . .

[1] "An Inquiry into the Validity of the British Claim to a Right of Visitation and Search of American Vessels supposed to be engaged in the Slave-trade." Philadelphia and London, 1842.

TO HILLARD.

COLUMBIA, April 9, 1842.

. . . I wish that I, the blacksmith, to adopt your allusions, could take lessons from you, the goldsmith. I know that with proper advice and guidance I could still somewhat improve my English. At times it sticks in my pen like thickened ink. . . . Our roses and many other flowers are in blossom, our trees in full verdure, our mocking-birds carol most lustily; in short, we have full spring, nay, to-day even summer, for the fly pesters me as ever office-seeker pestered President. The nearer we approach to our vacations the more keenly do I feel that I shall see none of you this summer. I shall dry up like our plants. . . . Would that my pamphlet on International Copyright had done some little practical good! . . . Here is a Benjamin writing all the time outrageously against it. Peter Parley and other pirates hold meetings and vote their plunder righteous, and not a voice of the prominent is heard; so that, in fact, none but their personal friends know their opinion. This is not right, not fair. It is a question of national honor, and we have not overmuch just now of that article to trifle with it in any shape. I know they do not wish to be disturbed in their literary ease, in their bookish comfort; but our luxury is not the question in this world when morality and honor are at stake. I do not think that Boston — the most literary place in the United States by a great many odds — does in this matter what it ought to do.

EXTRACTS FROM DIARY 1842.

July 8. Simply forced by moral considerations I resume the Journal. Many times I have meant to do it, but always again shrunk from it. With what alacrity might I not keep thee elsewhere, poor record!

Pelham, the tutor, goes to the North. The whole South is daily and hourly assailing the North, and the whole South is running to the North whenever it can.

TO G. S. HILLARD.

Columbia, S. C., July 12, 1842.

My dear Hillard, — Will you have the goodness to send me, if you possibly can, the Massachusetts law which regulates the present in-door manner of executing criminals, as I fain would call it, for to call them not public is wrong. They are as public as courts are, or legislatures. I am writing an article on the subject for Prussia, over which a king now rules who seems to have the earnest and anxious wish to rule well, the firm will to be just, and the courage to be moderate. It is worth one's while, therefore, to write on so important a subject as well as one can, and worth your while, I think, to send me the desired material. I do not know whether you know Rev. Mr. Dwight, the prison man. If you do, you would confer an additional favor upon me by telling him that I should like any official statements respecting this subject, and, among other things, a list of all the States which have introduced this improved manner of "launching into eternity," as our papers call it *rhetorically*. Does this figure not always remind you of Cogswell's sliding down a glacier from the top of Mont Blanc to Turin, — or how far was it? Of course you have heard him relate the story. I always think of him when I read of that launching. . . .

Guess the following: When does a man feel juvenile and yet not happy? When he has the whooping-cough, as the doctor says I have. Have you ever heard of anything more silly? A fellow of my age and the whooping-cough! And then, in the vacations, too! Pray tell nobody of this matter, for I feel as ashamed of this cursed cough as if I were to appear on your Common with an infantine lock behind each ear, and bib in front. . . .

EXTRACTS FROM DIARY.

July 29. As to our standing here, I am fully convinced it amounts to just this: people have found out instinctively that I am not one of them. Nothing positive has happened,

no offence given, and could we descend to it we both agree we could make ourselves the most popular people, — build a house in the Sand-hills, smoke our own hams, keep two horses, — no matter if we could pay for them. Oh, how they would carry me in their arms! But nothing would make me more one of them, and give me greater renown, than a pamphlet written for the South, especially in favor of Slavery. I would sooner cut off my right hand! Had I done all this, I doubt not I would have had one of the best chances of being elected president of the college. This is a position not dissimilar to that I had in Prussia after my return from Greece. What I say here that I might do, to advance my worldly affairs, is only what Calhoun and a thousand others do. Calhoun sways South Carolina by pampering her vanity. Judge O'Neil bawls before a temperance society. If I were to join this society, how they would like it! . . .

August 11. As soon as I remove to the North, if ever, I shall study geology. I have long felt the necessity, both because it is such a prominent feature of our age, and it is humiliating not to know upon what we stand when we might know it.

TO G. S. HILLARD.

COLUMBIA, S. C., August 24, 1842.
What a grim date, — St. Bartholomew's Day!

MY DEAR HILLARD, — Do I ask too great a favor if I beg you to send me a memorandum of the precise place where I can find the Opinion of Chief Justice Shaw on the Shoemaker Case, and the decision in the case of Tanner *v.* Danforth (the startling case), whenever they appear in print? As to the opinion of Chief Justice Shaw I am very curious, for as it is reported in the paper, which you had the goodness to send me, it appears startling and not sound. Of course I do not depend upon a hasty newspaper sketch. I should like to know what the cleverest men of your bar say. If men not only club together, but make a permanent society, not to sell certain articles under a certain price, and should, in addition,

enact not to have intercourse with those who would do so, it would be an unlawful combination, because tyrannical to society. Is that of the shoemakers, who fix a certain price for their merchandise — *i. e.* labor — different? According to the newspaper Chief Justice Shaw said it is not only unlawful to combine for unlawful purposes, but also for the obtaining of a lawful end by *unlawful* means. I have always thought that *lawful* means can become unlawful by the mere act of *combination*. It is lawful for an officer to throw up his commission, but it is not lawful for a number of them to agree to do so. Would it not be a very punishable act if the members of a bar agreed not to allow themselves to be employed to defend a certain case, though each one certainly has the right of declining any case? In the case of trades-unions, however, the subject becomes peculiarly serious, because we know to what insufferable social tyranny, to what evil habits and fearful crimes they lead. With all due deference to your Chief Justice, of whom I have always heard the highest opinions, I venture to say, if the paper you sent me has really given the pith and essence of his judgment, men like Kent and Story will differ from it. It is legal hair-splitting without logical reasoning. . . .

TO CHARLES SUMNER.

October 14, 1842.

. . . Has Prescott returned? . . . Pray tell him that I renew my urgent request, which I have already once made, not to allow one solitary item which he may chance to pick up, respecting the amount of civilization of the Mexicans, to be lost again. He necessarily must meet with a good deal relating to their titles of property, plan of administration, communication by post, standard of comfort, relation of servant to master, of the cultivator of the soil to the owner, the organization of the army, the transmission of knowledge and education, religion, finances, and arts, which no one else ever stumbled upon. Let not the elegance of style prevent him from putting in such items somewhere, — in a note, ap-

pendix, or wherever he chooses, — and let him be assured that he will earn the additional thanks of all those who love to contemplate humanity as developed in totally different civilizations. . . .

TO G. S. HILLARD.

December 17, 1842.

. . . You ask what will become of slavery? Ah! my dear Hillard, it is a subject that saddens my mind more than yours, I believe, or that of any abolitionist. The very day on which I received your letter I had heard two speeches on slavery in our House of Representatives, — the one as bold as ever any one spoke in the North; the other bold, too, indeed, but I thought bold in high treason against the Almighty himself. Remind me of them when I see you again. You ask me how I relish Dickens's Notes. I thought them poor fiddling by a fine flute player. I never knew a more saucy dedication. "To his friends who can bear to hear the truth!" And who is going to tell the truth that needs must be so disagreeable! One that had prepared himself by his studies, or practical life, or extensive observation on the spot, for that high and grave international censorship? One whose work, in thus censuring, keeps strictly to reality or contains partial fictions which, however true and striking they would be in a novel, are out of place in a work that sets out with such a dedication? When I read the first chapter, and of the melancholy, sad faces of a set of male friends, of Englishmen, and their forced hilarity, because, forsooth, a friend of theirs is going to be absent six months, I said, *fudge!* When I read of his sojourn in Boston, attempting to give details, and yet so superficial, and placing your Worcester Insane Hospital between your three hills, I exclaimed, *fiddledeedee!* When I perused his lengthened account of his pacing up and down on the Washington Pier, I said, *pshaw!* When I came to his lachrymose description of the Philadelphia Penitentiary, I thought, "Young man, you had better know what you are writing about." Dickens evidently thought that, possessing genius, he had only

to smell at a bottle, however well corked, to be able to write about the manufacture of its contents. But, of course, there are many true and fine and good passages. How true his New York dungeon account is I know not. His "Yes-sir" conversation is true to life, and his (no doubt, invention) "Hurrah for some one, and blast every one else!" admirable, except that he gives it as a fact in such a book. No common American has the pointed wit to conceive this truth in this clever form. Our people are by no means witty in expression. . . .

TO GEORGE S. HILLARD.

Apparently written in February, 1843.

. . . Would that our government could do some little thing for the promotion of knowledge. Bradford [the author of the "History of the Red Race," which Lieber called a *höchst brave Buch*] ought to be sent to Central America well provided with everything needful for three or four years. Would that many things were done which are not. But you remember Goethe's "Resignation." By the way, your remark respecting Goethe's "Resignation" does not wholly cover the ground. He means that no man, be he a Napoleon or a cobbler, can do anything worth doing, without clearly perceiving his position and the means at his disposal, and giving up, lopping off resolutely, all aspirations beyond that, — all sighing for things in the moon, all angling for fishes in Jupiter, — and also without manfully giving up what is lost, instead of bewailing an inevitable fate, — ascertaining again our position and striving anew for what is feasible. And has not the old arch-egotist carried this truth even to a fearful length, — a length to which his selfish grandeur alone could carry it? I do not remember, in the whole history of man, a more chilling instance of almost diabolic sway over one's own grief than when Goethe, who found that he must, for reasons of his own, give up his Frankfort love, yet feels pain and philosopho-poetizes on it, in going to the window of the poor girl, where he hears her mournful music.

Napoleon has done many selfish things, but they were, as he believed, necessary to obtain certain objects desirable for France; but here we have a heart just grieving enough to offer a subject for poetic contemplation and a poem. It is the very apotheosis of selfishness. Still, I say, even this selfishness agrees with what *he* calls "resignation," nay, may indeed render it easy. . . .

In July, 1843, Lieber was again in the North, and while on a visit to New York he was persuaded by Mr. Ruggles and Judge Kent to accompany them to Saratoga, where he had never been before. There he made some delightful acquaintances. Mr. Ruggles and Judge Kent, who were very much attached to him, said, jokingly, that hitherto he had been a luxury for them, but now he had become a necessity, and that they would move heaven and earth to get him settled in New York. Mr. Lieber was always, and perhaps especially at this period of his life, a delightful companion. His easy, genial manner, his ever ready conversational powers, his sprightliness and wit, together with his extensive reading and thorough knowledge, gave him great advantages. There was nothing pedantic in his character, and he enjoyed as much the companionship of the young and gay, who were but just entering life, as he did earnest and thoughtful intercourse with distinguished men. He was always ready to receive all impressions that harmonized with his tastes, his love for the beautiful, his admiration for the great. He possessed a nature capable of intense enjoyment and of the deepest melancholy.

Had it been possible that his home could have been removed at this period from South Carolina to Boston or New York he would have been immeasurably happy. A proposal was made to Mr. Lieber to establish a school, but his wife, knowing that such duties would become

very distasteful to him, strongly advised him not to think of it.

TO HIS WIFE.

New York, July 13, 1843.

. . . I have just taken my breakfast, and will finish this letter to my dear wife. I will just mention what comes into my mind, journal fashion. The day after I bought the ring for Fanny I met Ward, who said: "Come with me to Boston to Longfellow's wedding; we shall be back Saturday morning, and, in the afternoon, we will go to Astor's, on the North River." I might have gone if I had not had so many irons in the fire here. He told me that Julia is accompanied on her tour in Europe by her youngest sister, of whom Sumner always speaks so much.

Lord Morpeth, the Duchess of Sunderland, and others, have most kindly received them. Sidney Smith gave a dinner to Doctor Howe, and when he entered, said: "Gentlemen, Prometheus!" — alluding to Howe's giving a soul to Laura Bridgman. . . .

FROM HIS DIARY.

In August, 1843, to Newport, at Sumner's brother's, who married a Mrs. Barclay. Became acquainted with Miss Harper of Boston, granddaughter of old Carroll of Carrollton, and first cousin of the Marquis of Wellesley, eldest brother of Wellington. They went, in 1816, to England and made an immense fortune.

FROM LETTERS TO HIS WIFE.

I forgot to tell you that I visited here Mr. Brooks,[1] who translated my sonnet to Jean Paul. He is a Unitarian clergyman, looks like a boy of seventeen, loves German literature, has translated the "Titan" of Jean Paul, and means to publish it. Here he lives, with a delicate and sensitive soul

[1] The Rev. C. T. Brooks, well known for his many translations from the German.

panting for the food of literature and poetry, — a real character for Jean Paul to dwell upon.

Old Mrs. Harper was educated in a convent at Liege, where I was when wounded, and in love for the first time. Delightful conversation with all these charming women. At the Middletons' saw a fine Poussin, and engravings of the modern art, which show me conclusively that there is now in Germany a real, living, beautiful art, — a great school, working toward one point because pervaded by one spirit.

On the 25th August to Boston. Ashton was delighted, and the good fellow exclaimed: "Ah! Signore, why is it so; whenever you enter the shop you make my heart feel happy." He spoke Italian; it was a spontaneous bursting forth from a barber's heart, while his hands were strapping a razor. It touched me deeply. Yesterday I went to Cambridge, to hear Hillard's oration before the Phi Beta Kappa Society. A large, brilliant audience; a very splendid oration; dinner of the society; I among the invited guests. Old Adams made a most excellent speech. After that dinner, to the Longfellows', — a spacious house with elegant, tasteful, yet simple furniture. They received me most kindly and warmly. Their library was Washington's bedroom; and as I was sitting at the window, Mrs. Longfellow close by me and a beautiful landscape in view, I felt the whole was a sweet poem. Talk, smoke. Story and his wife received me most cordially; then late to town with Sumner, and yet to Hillard to tell him of all the praise we had heard.

26th. To-day I dine at Longfellow's. See Story, Greenleaf, &c. To-morrow I dine at Prescott's; Monday, at Mrs. Lee's; Tuesday, hear Story lecture. In the evening, at Felton's, with Greene, Sumner, and Longfellow. A delightful dinner at young Perkins's with Hillard, Longfellow, Sumner, Greene, &c. A right charming day, — fine wine, fine moonshine, fine country-seat, — and we actually put flowers in our hair.

FROM HIS DIARY, 1843.

Columbia, *October* 12. Yesterday morning, at four o'clock, poor Bishop died at last. I proposed to the Faculty to pay the funeral expenses. Hooper said there was no precedent. When I told him that, whatever power the existence of precedents might have, surely the absence of precedent could not have the power to prevent action, — for how else could the precedent itself have been established? — he could not understand it. . . . I took a ride, and passed through one of those narrow lanes formed of the young scrub-oaks in the Sand-hills. All was of a purple red; the sun shining through them gave the whole a peculiar, almost whimsical, character, making me feel as if I had read of it in Dante. Intermixed with these blood-red leaves, the tints of brown and brownish green, the purely yellow leaves of the elms and wild cherries, and the fine green of the pines, the whortleberries and evergreen oaks, form the elements of the peculiar American autumn, — that rich, gorgeous, magnificent, and boldly colored variety. It is wholly of its own kind, and ineffably grand and yet delightful. There is nothing sharp in all the contrasts. Each great mass tempers the effect of the other. . . .

Began to think of a trip to Europe. First had to gain over the professors and obtain their consent. A little management was necessary even for this. Laborde kindly spoke in my behalf to several of the trustees. Preston was greatly in my favor. . . .

November 29. When I came home from the examination of the students, I copied my petition and sent it to the library, where the trustees were to hold their meeting. After having sent it, Matilda and I remained in the study, thinking and talking and watching the lights of the assembled trustees. At length we went up-stairs and played chess. Late in the evening, when I had ascertained that the meeting was over, I sent and inquired of Thornwell, and received this answer: "Your petition is granted to the full extent of your application." Good heavens! what joy! . . .

DIARY, 1844.

February 17. I start for Columbia with Rev. Mr. Fowler, eighty-two years old, who goes to Aikin to preach. Tells me he raised eleven congregations in New York, and here I forget how many. "I lately raised one in St. Augustine." It sounds very trade-like.

February 24. Letter from Hamburg. Great joy at our coming. Oscar writes: "I never wrote nor do I think I shall ever write a happier letter. What glorious news your last brought me. That letter of yours shall twinkle before me like a morning star." . . .

March 3. Getting ready fast. The days of my solitude are over.

March 6. Left Columbia.

CHAPTER IX.

March 18. Sailed from New York for Europe.

April 14. Visited friends in Herefordshire. The country is glorious. All that I ever dreamed of in childhood of meadows and valleys; what roads, vales, lovely gardens, lawns, trees, gentle rivers, hedges, orchards, wheatfields. It is like poetry.

April 17. Oxford. Saw many of the buildings. Since I have left Florence nothing has had such a transporting effect upon me — I mean transporting me to other times — as Oxford. . . .

April 20. London. Breakfast at Doctor Ferguson's. When I observed how curious a fact it was that all American women look so genteel and refined, even the lowest, — small heads, fine silky hair, delicate and marked eyebrows, — Ferguson answered: "Oh, that is easily accounted for. The superabundance of public women, who are always rather good-looking, were sent over in former times." Well done! . . .

April 21. Breakfast at John Kenyon's. Good pictures, fine marbles. Met Mrs. Macready, the wife of the actor. She invites me to visit her; preaches against modern stage-dancing. Kenyon told me that the Corn Law League paid £500 to Rev. Mr. Fox, a Unitarian minister, to speak against the Corn Laws. Lunch with Joseph Parker, a famous Parliament lawyer and solicitor of the Charity Commission. He has read, and I find carefully, my "Ethics." He is a radical, but not for universal suffrage; well informed about the United States. He says: "Repudiation has had the worst possible effect on the English working-classes. They consider it

republicanism, and that they will do the same when they have the power." . . .

April 23. . . . To MacCulloch, the political economist, — a tall, raw-boned Scotchman, talking with a terrible Scottish accent; spoke against international copyright, and not very philosophically or thoroughly. . . . Go to the House of Commons, and Mr. Milnes gets me admitted to the bench reserved for peers' sons and distinguished strangers. Row, laughing, "hear-hear-ing," such as I never heard in Congress. Loud talking. The question was on a charge Mr. Farrand had made against Mr. Hogg. Peel, Graham, Lord Stanley, Lord Russell, spoke. Go to the Reform Club, where I saw Admiral Napier.

April 24. Breakfast at Sir Robert Harry Inglis's. Ladies there. Rogers the poet, Milnes, M. P., and others. Very sprightly and fine. From ten till half-past one. Rogers asked me to breakfast with him on Monday. . . . Rogers at breakfast said he liked the preposition at the end of a sentence, if well used. I supported him by quoting Hooker's lines, "Shall there be a God to swear by, and none to pray to?" Milnes and Inglis had been against it. . . .

April 26. Breakfast at Monckton Milnes'. Met the Marquis of Northampton, President of the Royal Society, Rogers, Kenyon, and others. Milnes in red-silk morning-gown and golden slippers, mandarin girdle. A touching poem of Theodore Hook's read; the subject was a girl who jumped from one of the bridges. I gave Longfellow's on War. All except the Marquis of Northampton found the end too moralizing. Milnes read a long poem, — "Lily." Old Rogers spoke of *tact*, and said to me, "In short, that in which —— is very deficient," and this in ——'s presence.

At five to Parkes's, who takes me to the House of Lords. . . . Lord Lyndhurst's Dissenters' Chapels Bill was read for the second time, which is what I predicted in my "Hermeneutics,"[1] speaking of Lady Hewley's will. Dine

[1] *Vide* "Hermeneutics," Third Edition, chap. iv. § xi. p. 98.

at Parkes's at seven; see Lord Wellington; return with him to House of Commons.

April 27. Breakfast at Hallam's. Met Macaulay, Lord Mahon, Lord Willoughby, Everett. . . .

April 30. Breakfast again with Rogers, and he invites me a third time, but I declined. He has all sorts of beautiful rarities, — in short, his apartments are a *beau-ideal* of the rooms of a gentleman, scholar, and poet. Fine pictures, even a Titian. . . .

May 3. Visit the Bunsens at Southgate. Mrs. Bunsen not at home. Mary receives me kindly. I dined with the children at half-past one. Mrs. Bunsen returned from town at two. . . . Bunsen is now in Berlin, to aid in drawing up the statutes of the Schwanen Order, and she asked me to write to him. Go to Parkes's, who takes me to the House of Lords, where we heard the Bishop of Exeter speaking against the Dissenters' Chapels Bill brought in by Lord Lyndhurst; objected to Dissenters becoming lawful owners of land and property, which their congregations have possessed for the last twenty years, as proposed on account of the great hardship in Lady Hewley's Funds Case, which nevertheless was according to law. I wrote at the time in my "Hermeneutics" that Parliament must and would necessarily correct this, and, strangely enough, now find them about it. Lord Cottenham answered the Bishop of Exeter severely, as he deserved. Lord Kemble followed, and then a mouthing Lord against the bill. But all parties are for it, so there was no division. The Duke of Wellington was there. He walks like a very old man now, but I saw him riding at a brisk gallop. . . .

May 6. Heard Peel make his first speech on Bank Charter renewal. It was wholly unequal to those I have heard Clay, Calhoun, Webster, and Choate make; but there is not so much eternal blarney and rigmarole as in America.

May 12. Breakfast at Parkes's. Mr. Basil Montague there, — now old, but the first lawyer after Sir Samuel Romilly; so Parkes says. How he quotes Latin!

Yesterday I saw a cart in Ludgate Hill neatly painted, and in large letters, "American Ice." Two men were busy getting dirty brown rubbish of ice out of the cart. . . . Now I take leave of England. Now the luxury is at an end. Good-by, England; good-by, trim fields and refreshing verdure; good-by, delicious ale, luxurious clubs, sensible newspapers; good-by, shilling-sucking land; good-by, ye eternal Charles, James, and George, and the royal arms everywhere! Saw Lord Brougham. He asked me to let him know when I am here again. Says he cannot understand Niebuhr, — that he ought not to have published his work as he has. I asked whether he meant the artistic arrangement. He answered, No, he meant the thoughts. He knew Niebuhr at Edinburgh.

May 14. Leave England.

May 17. Reach Paris. . . .

May 19. Breakfast at De Tocqueville's with Beaumont. . . .

June 1. . . . I was to have seen George Sand there, but she had left for the country. News of riot in Philadelphia. I have always said that the problem of religious excitement and great individual liberty in large cities is not by any means solved in the United States.

June 8. Left Paris.

EXTRACT FROM A LETTER TO HIS WIFE.

BRUSSELS, June 11, 1844.

. . . Yesterday morning, after having breakfasted with De Tocqueville, he went with me to Mr. Mignet, perpetual secretary of the Academie des Sciences, Morales et Politiques. We talked of the representative system, and I was at home there. . . . I saw Rachel; she utters the greatest French I have heard. If I were king I should have her read some passages of Napoleon's history and some of the Religious War to me. . . .

June 14. By diligence, at ten o'clock, through Waterloo, Mt. St. Jean, Quatre Bras, to Quatre Bras le Docq. With

a boy-guide, passed through Sombreff to Brie. Met with an old man who had been guide to Napoleon. Here we drank on the 16th. This man remembered that all the wells were exhausted. Found the place where we were so long exposed to the cannon-fire. To the windmill where Blücher stood. A footpath leads down the slope in almost the same direction that we followed when we made our attack on Ligny. I found the hedge through which we passed when we attacked the French Grenadier Guards; the house where I first fired and killed a grenadier; the church; the road from Fleury, where I was the first to scramble up; where Bagensky was wounded; where Neuman was shot, — all, all, even (I believe, at least) the well where I gave water to two officers and some soldiers, and one said, "Jäger, das soll dir Gott vergelten;" the deep hollow where layers of dead and wounded lay. Two houses have been built on the spot where we made our last stand. The old woman who lived in one of them said that they were not built then. . . . Returned across a field to the road from Fleury to Quatre Bras. By diligence to Namur, and entered the city by the same road which I passed over in a cart when I was wounded. Found a man in the hotel who had attended to the wounded. He spoke of the Collets Blancs (Lieber's regiment). . . .

June 15. On horseback. Great difficulty in finding the place where I was wounded. A new road had been made, the little wood cut down. Met an old man, who led me to a farm, and now I came nearer and nearer to the spot, and the whole scene was recalled. Rode about and met an intelligent woodcutter from Bon Wallon, where there was a great fight. Found the place where I approached Colonel Zastrow. At length I found the very spot, to the left of Bellgrave. Here I plucked flowers, mused, prayed. The circle concluded, rode home; missed the boat (to Liege) in Namur; got permission to see the citadel in Namur. There I found a man who had served in the Chevaux Légers de l'Empire. He spoke of the Collets Blancs: "Ah! ils se battaient bien, monsieur."

June 15. In the morning I visited the churchyard (in Namur) to find, if possible, Zastrow's grave, intending to have a stone erected, but there was no trace of it. Embarked at six o'clock (June 16); down the Meuse, where, twenty years ago, I, with so many wounded, was taken to Liege, where I spent the next day. . . .

After journeying through Belgium and Holland, Lieber reached Berlin toward the end of July, and then had a long talk with the king, which is told in his own words.

July 23. Early to the Schloss. In the waiting-room artists with their pictures, a cane chair, with a broken seat, neat boxes with pearl shells from the Isthmus of Panama. After about ten minutes the King came in, wearing common undress, no star or order, his cap and handkerchief in hand. He looked at the pictures, praised them much and kindly, and passed me with a very friendly bow to go to the shells; looked at some prints, and then came to me and said: "Are you Mr. Lieber? Please walk in." He opened the door, which I ought to have done, but forgot, and entered his cabinet, the corner room, I think, of the *belle étage* on the Lange Brücke. The room was well furnished; a large table of plain oak wood; no *luxe* whatever; no display; no soldiers (except one sentinel in the corridor). He began by saying: "I am very sorry you are going away again. I thought that we might be able to keep you here. It is a great pity." I replied: "Your Majesty, I have a wife and children, and no fortune, and must depend upon my salary." He asked me how many children I had, and where I was born, and was surprised when I replied that I was born in the Breite Strasse, and said: "Really I did not know that." All these questions were made in the common tone of politeness and kindness. He has small blue eyes, and uses glasses. His sandy hair is very thin. He asked me questions about South Carolina, slavery, etc. I told him about the Proprietary Government of Charles II. The King said: "Charles II. created Knights of Nova Scotia.

Tell me where it is. I confess, I do not know." I explained. "Is it still called by that name?"

At length I wedged in my thanks for his pardon. At first he did not seem to understand me; at last said: "Oh, I have done nothing but my duty; you have been unjustly dealt with; I am delighted that I have been able to adjust this matter. You have had great wrong done to you. Moreover, you have a testimonial, which, after the Gospel, is the highest to me, — that of the deceased Niebuhr. He was a most noble man. I remember how affectionately he speaks of you in his book."

I introduced the subject of commerce and the new treaty, and told him I feared it would be thrown overboard. He said: "Do you think so?" This led me to say that the Americans were the chief people worth courting in a commercial point of view. I told him they were the greatest consumers, and were constantly increasing in number. I spoke of emigration, &c., and gave him some data of Congress. He was astonished, and listened attentively. At length I spoke of penitentiaries. He declared himself in favor of the Pennsylvania system, but said: "The people generally are against it. You cannot imagine what difficulties I have to contend with; and usually it is opposed on the ground of philanthropy. It is remarkable that they will not consent to solitary confinement on account of inhumanity, but are willing to have the prisoners whipped like dogs. Probably the system requires modifications for the Germans, whose minds are said to be more easily affected." To which I answered that I did not believe it. "The German is of a more desponding nature, and is more easily depressed; but I have never seen any bad effects produced on him by the Pennsylvania system. The Germans magnify difficulties." The King agreed to this, and said it was worse in the north than in the south of Germany. I asked why it was so, but knew the reason perfectly well. It is the natural consequence of two causes — the national German character, and the absence of all public life and liberty of practical discussion. We continued. I said: "It is argued that a method

so mechanical as imprisonment between four walls cannot produce the moral result necessary to reform a man: in the same manner, to eat a piece of bread is a mechanical action, and yet it has the effect of producing thought, and when I am deprived of it, I may be induced to commit a theft. Just as long as we live, everything will be influenced by this mechanical force. The first great question on this subject is: Has the State the right to make a man worse than he is? I answer, certainly not." The King said: "No, of course not. That is very clear." I continued, "But the State is guilty of wrong when she places a man in a position where he, according to the eternal laws of ethics, must become worse. It is certain that men swayed by the same thoughts, impulses, and passions, when brought in contact, will exert an influence over one another. The good become better, the brave braver, the bad worse; and when you bring together six criminals, who have each six degrees of evil in them, you will increase this to twelve by bringing them in communication with each other." The King said: "That is very true, very good." I quoted to him many instances to verify this, especially of the Germans I had lately seen. He asked me if I knew Humboldt, and told me to be sure and call upon him, and added, "He will be glad to make your acquaintance Speak to him on this subject. You must see General Thiele also, a very excellent, pure and good man, but he opposes this system, and you will have to convince him." The King then asked me if I knew Doctor Julius, and what my opinion of him was. I gave him my sincere opinion. We talked of German books, and I said: "The great mistake seems to me that in Germany the learned aristocracy consider that knowledge is degraded when used for a practical purpose." The King replied: "That is very true; I have always felt it, though it has never been so clear to me. The English are too matter-of-fact, but we Germans write as if for ethereal beings." Towards the end of our conversation, he said: "I am very sorry that I must now leave you; the Ministers are awaiting me. I should like very much to see you again, but it it quite impossible. I have promised

the Emperor of Austria to go to Vienna after I have taken the Queen to Ischl. If we should ever cross each other again, you must announce yourself to me. I thank you sincerely for this pleasant conversation."

Previously he had expressed the wish to appoint me a Prison Inspector, and said: "I must arrange it." I said: "Will your Majesty allow me to mention a subject of the greatest importance, and one I have thoroughly studied? While you are considering the revision of the laws, pray put an end to the scandalous public executions." The King replied: "Only think at the last execution forty thousand people were present, and made a great uproar. One man erected a platform. He was forbidden to do it, but the infamous rascal went to the place at four o'clock in the morning, and built several of them. I have now given an order that the executions shall take place in Spandau. Lately it was falsely rumored that there was to be an execution there, and an immense crowd assembled to witness it."

July 31. To Hitzig. Dine at Privy-counsellor Heydemann's, professor, jurist, and the right hand of Savigny in law reform. Heydemann repeated what Savigny had already told me, that my ideas as to extramural executions have been adopted, and will be proposed in the Staatsrath. In this I have had clear and positive influence. I spent an hour with Savigny, who was very polite and kind.

August 1. Fay fetches me to go to Bülow's, son-in-law of Humboldt. Fine casts of antiques. Rauch was there. Alexander Humboldt of course was very polite to me, because the King had been so. Many ladies present; Countess Haak, *dame d'honneur* of Princess Karl, lively and agreeable.

August 15. Saw Goethe's house at Frankfort, No. 74, Hirschgraben — an old, but not antique-looking house.

TO HIS WIFE.

HEIDELBERG, August 19.

"Is there no escape from Columbia? Many would say, why not go to Prussia? Why not take a professorship? I

answer, the inexperienced or unconscientious only can enter into situations which they know will expose them to a constant inner contest. The whole present tendency of Prussia is a most melancholy one. It is at war with everything noble in our time, and must therefore become worse and worse. You see that only an employment of a very peculiar kind would suit my soul, and even then I know I should always have grave days. Boston, I say, God grant me Boston. . . .

September 7. To the theatre, after dining with Mr. King (American Minister.). Saw Rachel in "Phèdre." "Phèdre" was solemn; no crying "entre-acte;" no letting down the curtain; no music; no change; close attention. Many read the piece. Neither the English nor the Germans have anything like this. Rachel, terribly plain and thin, but plays grandly. The whole was very novel and great.

From Paris went to Strasburg. . . .

I saw in Alsace and in Baden women ploughing. The same sight had often made me sad in Carolina, where I saw the negro women do it. That belonged to slavery; and now I see the same thing here. The faces of some of the women, especially, it seemed to me, in Würtemberg, are shocking, so worn, weather-beaten, and black.

September 21. Down the Danube. Become acquainted on the route with Agrippina de Pisarew, and her daughter, wife of the Lieutenant-General, Governor of Warsaw. She told me a great deal about the serfs; finds herself better served in Germany by servant girls than by her own servants at home. No serfs work after they are sixty years old. There is a late law that the family is not to be separated. I am anxious to know these laws thoroughly. She asked questions about America. *Mais dites-moi donc, que fait-on dans les États-Unis sans une tête couronnée? Je ne conçois pas cela!*

October 7. Arrived in Dresden.

In October he was again in Berlin, and had another interview with the King. Further accounts of this

conversation may be found in this extract from a letter, dated October 21, 1844: —

I saw, last night, Minister Eichhorn, who received me cordially. I spoke of my new science of Penology, and the necessity of a professor for it, who should be inspector-general of prisons at the same time. He entered warmly into the plan, and said: "But to set such a thing in motion, and to carve it out, the right man must be on the spot. Have you no desire to return to your country? Has Prussia so deeply offended you that you cannot forgive?" He said he should do everything in his power to draw me thither. . . . On Sunday last I saw Thiele, who, I have no doubt, is a very honest man, but confused and unfit to comprehend the present times. . . .

I went to Humboldt, who received me in a friendly and flattering way. Spoke to me in a manner so openly that if I were to print but a small part of the conversation it would be seized upon with greediness by the English papers and make a great sensation here. Whence this confidence? Whatever opinion they may have of me, nothing in a man's life is a guarantee of his perfectly gentlemanlike honor without a trial, and they have never tried me. Let me give you some of his sayings as they occur to me, — disconnected, of course.

"I entreat you to write a friendly letter to the King, and openly give him your opinion on public administration of justice, and trial by jury. It will have great weight. The King said how very shamefully you had been treated. You must also go to Bülow, Minister of Foreign Affairs."

"The time will come when mankind will be free, but it is still far off. The only liberal Ministers are the Minister of War and Von Bülow. They want liberty of the press. Bülow admires English freedom, without the aristocratic control."

"I leave the King's chamber at eleven P. M. and write until half-past two. You will think me very courageous,

for, although a man of seventy-two, I have undertaken my most important work, — "Cosmos." Part of it is finished."

Humboldt also called provincial estates without Reichstände, *ein Unding*, an absurdity; that the latter are necessary. He said he had told Uhden that, as he was a young Minister, he ought to do something to distinguish himself, and try to introduce public administration of justice, but he found Uhden was against it. . . . He said he had predicted that we should have diamonds in the United States, as he had also predicted that they would be found in Russia, which he added is nothing, for if I find Monday, Tuesday, and Wednesday with a people, it is no great thing to conclude that they have Thursday also. He complained that he could not get any information from the United States. He had long desired to know whether, near our gold districts, we have found platinum, and several other metals which he mentioned but I have forgotten.

TO A. DE TOCQUEVILLE.

Hamburg, November 7, 1844.

My dear De Tocqueville, — . . . You know my view, that the highest interests of the cause of civilization require France and England to be united. My journey has strengthened this opinion a thousand times. All the governments, except those of France and England, are at heart for absolutism, — in many cases with, perhaps, a general and not very definite wish to do good to the people, but absolutism is their creed, their love, and their hope. England was once the only spot on earth where brilliant and absolute centralization found no footing. Shall the world never go on, and shall not mankind have at least two nations toward which they may look with some confidence that they will form a breakwater? I own, the older I grow the more fervently I love liberty, true and substantial liberty, and the more I hate absolutism, be it monarchical or democratic. . . .

TO A. DE TOCQUEVILLE.

HAMBURG, November 26, 1844.

MY DEAR DE TOCQUEVILLE, — . . . You ask me about penitentiary matters in Prussia. Let me tell you, under the seal of the strictest secrecy, that the King is unconditionally for the Pennsylvania system, but most of his Ministers are not. Humboldt (who is every evening until eleven o'clock with the King) is against it. He repeated to me all the old stories against solitary confinement, not forgetting Lafayette's saying that he never brooded or planned so many revolutions as when he was imprisoned at Olmütz. The King asked me to go to his Ministers, in his name, "and try to convert them." Tellkampf, a German now residing in the United States, who has been here lately, has done a great deal of mischief. He has written a book in which he proposes the silliest things, — solitary confinement, for instance, until the convict is corrected, say for a year or a year and a half, and then the Auburn system!!! Yet this book has taken in Berlin, especially with General Von Thiele, the Prime Minister, — a man of good intentions but limited views. I feel convinced that Tellkampf's book will be served up in your Chamber next winter. Prepare yourself, therefore, by reading an article on it by Doctor Varntrapp in the last number of his "Annals on Prison Matters," published in September or October last. Varntrapp is one of the best penologic statistical writers. . . . As to Dickens's lachrymose story of the mulatto girl in Philadelphia, I sent De Beaumont my letter containing my personal observation of the case. It will at least balance Dickens's statement. Besides, have you not Eugéne Sue's opinion? Sue's remarks in the "Mystères de Paris" are worth infinitely more than Dickens's remarks in the "Notes." . . . I have strongly recommended to the King of Prussia to appoint inspectors-general of prisons, with the duty to lecture in the universities on Penology, as I have called the whole branch of criminal sciences which occupies itself (or ought to do so) with the *punishment* and the *criminal*, — not with

definition of crime, the subject of accountability, and the proving of the crime, which belongs to criminal law and the penal process. Thus I would call you and Beaumont *deux penologistes distingués*. Add that word to the "Dictionnaire de l'Academie!"

I have an article on Intramural and Extramural Executions (you see I coin words pretty fast) in Mittermaier's last number of the "Annals of Foreign Legislation." The subject is important. I call intramural executions those which are performed before proper witnesses within the walls of the prison-yard, as is done in New York, New Jersey, Massachusetts, Rhode Island, Ohio, &c. Extramural executions are a scandal, and fearfully immoral. . . .

December 23. Received a letter from Minister Bodelschwenk, charged by the King to offer me a temporary appointment in the ministry of justice, principally to regulate the *Untersuchungs Gefängnisse*, with a salary of a thousand dollars, until something more advantageous should offer. But this will be impossible.

January 6, 1845. Left Hamburg by mail, crossing the frozen Elbe in a sledge to Belgium; thence again to London.

The month of January, 1845, Lieber spent in England and Scotland, sailing for America early in February, and reaching Boston on the nineteenth of that month. He went immediately to Columbia, where he remained until the end of the college year; the summer he spent, as usual, in the North.

TO MITTERMAIER.

MANCHESTER, February 2, 1845.

. . . Let me communicate to you, as my confidential friend, a fact which will not be without interest to you. In a letter written from Hamburg I freely poured out my heart to the King of Prussia on the subject of the administration of justice, and trial by jury, saying that I should consider it fortunate

if the time had already come for the introduction of trial by jury in Prussia, but that a public and oral indictment of the accused was unconditionally and absolutely required. In answer the King sent me an offer to enter his service, with the temporary duty of aiding the Minister of Justice in the establishment and supervision of houses of detention until a permanent position could be found. The King said to me, at an audience in Berlin: "It will not be my fault if you do not return to Prussia." The salary which was offered was very small; I could not accept it, and said that I would await a suitable appointment in America. To you I can say in confidence that I am not so enamored of Prussia that I desire *coûte que coûte* to return there.

Would that I had received an offer from your dear Heidelberg! One sometimes falls in love with women at first sight; I thus loved Heidelberg. It is a place where I could await better times. The next report on Pentonville, by the Duke of Richmond, Lord John Russell, &c., will be very "strongly in favor of solitary confinement as it exists in Pentonville." The committee will state that they had many doubts, and had for years been averse to reporting definitely to Parliament, but that they can no longer, in accordance with duty, keep silence, and hence recommend the system most cordially. All over England, moreover, prisons of this kind will be erected.

CHAPTER X.

TO HIS WIFE.

February 25, 1845.

. . . During Howe's absence people had undertaken to instruct Laura Bridgman in the doctrine of the trinity and salvation. To the idea of God she had come herself as the Rain-maker, just as early tribes have done. They told her that Christ lived long, long ago, and that he is the Lamb of God, when she, having hardly any idea of metaphorical language, quickly asked why he had not become a sheep by this time. She is much grown, and hardly leaves upon one any more the impression of the being she is. Indeed, in her presence one must remind one's self, that she is the deaf, dumb, blind, and useless girl, for she does not. She continues to be proud of every new word and idea she acquires, and brings them in for some days whenever she possibly can. I have read a book I bought at Bruges, in which, among other things, an account is given of a man who became deaf and blind, and the description of his loneliness is heart-rending. . . .

TO CHARLES SUMNER.

New York, February 25, 1845.

. . . Howe reminds me of Crawford. I saw a very graceful statuette of his last night at Medora's; it is worthy of him. Crawford reminds me of Washington's statue. If I could I would conjure him to doff that hat. If I could I would beat that cocked hat all into a cocked hat! What on earth remains of Washington, if you put him in regimentals and clap a hat upon him, except his nose, which was plain, and not as

the noses of most great men are, I believe, finely delineated. It will not do. Let him not be daring. Possibly his genius may feel tempted and challenged to make even of a cocked hat something plastic. All he can do with it would be to make it less ugly than it might have been. A sculptor can do no more with a cocked hat than a grave poet can with a coffee-pot; and all sculpture in its purest sphere is grave or solemn, even if it represents joy and grace, for one of its elements is that it is symbolic. Let us never confound the plastic art and painting, which may enter into some details of reality, which the other must not touch, because it has the support, relief, and conciliation of color; but sculpture lives in the form. Yet art is not imitation. I wonder whether there has ever been a statue made of a warrior in the act of sheathing his sword. . . .

TO HILLARD AND SUMNER.

COLUMBIA, March 12, 1845.

. . . I have read Arnold's Life and Letters, — an edifying book. He was a noble, pure, stirring man, a *man* altogether. I do by no means always agree with him; on some points I totally disagree. But I cannot see how you could say that he seems to have had doubts to his end. Perhaps he had some difficulties, but surely he seems to have had no doubt whatsoever on the main point of the question on which the whole hinges: was or was not Christ God in flesh? He goes even so far as to say that Christ is to him the only way in which he could conceive God. Ah, if people had to fight with no greater doubts than he had after he settled at Laleham!

People often say, that on shipboard but an inch plank is between them and death. But a mere plank may also divide a man from life. Arnold had much critical power, I dare say, but no analytical, I think, and that was a great blessing to him. How very little he even suspected the doubts and difficulties of some minds, he shows in his letter to an unbeliever on the sick-bed, which does not even hint at any of the difficulties besetting him who cannot believe.

TO MRS. JULIA WARD HOWE.

COLUMBIA, April 17, 1845.

. . . Madame de Savigny, wife of the celebrated civilian, was deeply interested in my account of Laura and Howe, and made me promise to send the next Report. . . . Laura's letters are precisely in the style, though still more childish, of the letters of my youngest boy, eight years old, — these short and abrupt sentences which also belong to the earliest periods. Oliver Caswell,[1] however, writes positively Chinese, — and I have always said the Chinese are children grown old, — very old. The basis of their language is childishness, that of their art puerility; yet these once settled, they were very much developed in their way. Their government shows the same thing. It is the patriarchal principle, swelled out enormously.

TO CHEVALIER BUNSEN.

COLUMBIA, April, 1845.

. . . I am now studying the Oregon question, which I feel convinced will not bring about a war. In my opinion, there is at present no prospect of this. Still, I am decided in my conviction that Oregon will be annexed to the United States, and cannot be claimed by any other power. No power on earth can stop the impulse of a westward emigration of Europeans and Europedes, as soon as they are in America, and if there is any prevailing right to that territory on one side or the other, it certainly appertains to America. To me there seems no doubt whatever that no foreign nation will be allowed to claim it. True, we have to suffer from our annexation of Texas, — or rather from the intention to annex it, for as yet we have no decided information from that quarter. The world, of course, is looking with suspicion toward the Oregon settlement, especially since the foolish declaration of the President has become known. Should you desire any historic political documents on the subject, you must read Greenough's "Oregon

[1] Oliver Caswell and Laura Bridgman, both blind and deaf mutes.

and California," Boston, 1844. I would gladly send you a copy, but have no opportunity from here. . . . You probably are not aware of the fact that many persons in the United States have a perfect mania for collecting autographs. I have found this especially amongst clergymen. I have been frequently applied to for letters from Niebuhr. Now, since Arnold's Life has been republished here, which is greatly liked, many persons, even from the far West, have asked me for your autograph. I have only the lines you wrote to me in London, which it would be possible to give away, but these begin with the words, "My dear old friend," and are too precious to me to part with; but if you or some member of your family would send me a few leaves from one of your old manuscripts, no longer to be made use of, I could make some people very happy, and it is, after all, a more innocent occupation to collect autographs than to annex Texas.

May 30. Wife and children arrive from Hamburg.

June 30. Arrived in Boston.

July 2. Received another invitation to enter the Prussian service, and to give lectures in the University of Berlin. This offer was declined.

July 3. Dined with Matilda at Longfellow's.

July 4. Sumner's Anti-War oration, which seemed to me the worst advised, and one of the worst reasoned speeches I have ever heard.

July 7. Dined at Longfellow's with Sumner, Hillard, Felton, and Doctor Frothingham, Long, animated, but very pleasant conversation on War.

July 9. Annie Ward brought Laura Bridgman to see us. I have my first conversation with her.

July 16. With Sumner to Fletcher Webster's, where I was to have met Webster and Samuel B. Ruggles. They had left, and I followed them to the boat. At Hingham, Webster's carriage met us, and we drove to Marshfield. Arrive at eleven P. M.

July 17. Breakfast at half-past seven. Afterward drove

to Green River. Sailed out into the bay in Webster's yacht. Fished, swam, and drove home.

Webster told us that when a lad, a friend of his father's seriously advised him to become a sorcerer, for they needed one to recover goods, cattle, children, and other articles.

July 18. Drove out to the apple-tree, planted by Peregrine White, who was born on board the "Mayflower." While at tea, fine music in the garden; about twelve young mechanics of Marshfield having formed themselves into a band. They played finely, and afterwards sang extremely well in the Library.

July 19. Early breakfast, and return to South Boston.

Early in October Lieber returned to Columbia.

TO HILLARD.

COLUMBIA, October 18, 1845.

. . . You rejoice with me, no doubt, at the Post law. It is something. Let us bring a sacrifice. I don't know to what God we could sacrifice, for the ancients had no idea of the importance even, of communication. Mercury, with his winged slippers, is a sore fellow. Perhaps we had best canonize Rowland Hill at once. God bless him! Are you aware that no letter, no note, has passed between us since the reduction of the anti-civilization postage? And would it not almost have been fair to send empty envelopes on that day to every one of one's friends? . . .

Why, Hillard, has my inner man changed more during last summer than at any previous equally short period, — those only excepted, in which events take place that ripen souls as the southerly breezes mature the grapes of Tyrol, in a day, an hour: such as first battles, first love, first Raphaels, first deep-felt submission to God, first deep afflictions, first dwelling in Rome, and whatever else may transfuse the human soul with those agents of joy or grief that tincture it throughout, or change its substance? There has been a sad plucking in the vineyard of my soul, and life has several times stepped up

to me and tauntingly said: "None of your old attachments!" This is a fact, and as such I mention it. Sometimes, even, I felt as though this country, for which I willingly offer to forego prizes held out to me elsewhere, spurned me. This I know is not precisely true, though the real state of things and amount of the matter are not far from this. . . . My boys, — all three around me, — are, as you may well imagine, a great delight. They are fine, gamesome, affectionate children and companions, sometimes so bright, sometimes so stupid. We enjoy the incomparable sunsets of South Carolina together, and walk and, — and all would be right were any distinct plan before me. . . . Write soon, and comfort me; for though I believe that you have never yet presented me *litteris mero motu scriptis*, I must say you have never yet proved an epistolary repudiator to me; indeed you return far more than you receive, resembling our dear mocking-birds, which answer a crude whistling of mine with sweet tunes and touching melodies. . . .

TO MITTERMAIER.

COLUMBIA, S. C., March 30, 1846.

. . . I mentioned to you that Von Humboldt requested me to give my views to the King of Prussia on the Judiciary. I did so, and moreover, in very positive language. Humboldt was so much pleased with my letter that he sent it by a special messenger to Charlottenburg. I then received the offer of a temporary appointment, with a salary of one thousand dollars, until a permanent position could be given me. I answered that I should prefer to wait for the latter, and returned to America.

My friends in Boston, to whom I had declared that I would no longer remain in the South, and that I should return to Germany if no acceptable offer were made to me from the North, exerted themselves last July to establish a new professorship for me in the Cambridge Law School. Our great Story was at the head of the movement; all progressed favorably; some wealthy citizens had promised their assistance;

when suddenly, in the death of this eminent man, I lost the dear and proven friend to whose influence I owed so much. I cannot explain to you how his death annihilated the whole plan, but such, alas! is the fact. In the mean time I had a new offer from Prussia, — a definite sum to defray the expense of moving, and thirteen hundred thalers for a temporary position in the Department of Justice, with the permission to lecture at the University on Penology. But, in the meanwhile, how much had happened in Germany, in Prussia! I have too much experience of the world not to see that, under the circumstances, if I were to go to Berlin I should lead an unsatisfactory, unhappy, perhaps even a wretched, life. The King has, as I have heard from different sources, a personal liking for me. I could not, therefore, live in absolute privacy in Berlin, quietly performing my duties. The king has no force of character, and under the present conditions is the most unfit monarch possible. Circumstances are ever more powerful than desires, resolutions, or men, and decided utterances and actions would be expected, perhaps demanded, of me. In Prussia there is not the craving for freedom, for the progress of true citizenship, or sound laws, which I love by instinct as a Greek loved his liberty. I can, of course, remain silent when I see that I can be of use by doing so, but I cannot *lie*. I cannot act *adversely* to liberty; and this, in the development of circumstances, would soon be demanded of me, so that I should feel lost, and curse the day that I left this free country. I believe — indeed, I have been informed — that I could stipulate for a higher and a more permanent salary, but what does all that amount to if I am placed among people to whom I should absolutely not belong? I know some characters in history who, in like circumstances, grasped power, and yet enjoy a tolerably fair reputation with posterity; but these are not my examples. Thus matters stand. How different it would have been had your government offered me a position at the University. *There* I should have been able to move quietly in my own sphere, without the danger of being forced into false positions. Let me know in your next whether you agree with me.

I have been occupied for some time with the German Criminal Trial and Procedure, and find it far more objectionable in many respects than I had ever expected. I will, to elicit your opinion, communicate to you my own on that part of the Theory of Proof, according to which a deed which has been half or three-quarters proved may be punished in the same proportion. You know, of course, that in English law the verdict "guilty" or "not guilty," *i. e.* "proved" or "not proved," is given, and that, according to this, punishment is either inflicted as a whole or no sentence whatever is pronounced. The German Procedure, however, punishes even when the crime has not, according to the Theory of Proof, been perfectly proved; which appears to me a logical outrage, and a piece of practical cruelty such as I believe is rarely met with elsewhere. Crimes are deeds which are to be punished. Did they punish themselves all would end here, but a punisher is necessary. Again, if the punisher were omniscient, as the Almighty Judge is, the matter would end there. The punisher, however, is a man. Before he can punish — which act includes the infliction of suffering — the fact must appear; *i. e.* he must know that the deed has been committed and by whom; he must be *convinced*. Not that the subjective conviction of the punisher is of any essential importance as to the fact itself, — *that* is past and cannot be affected; but in order to have the right to inflict suffering, one must have positive knowledge of the deed which has been committed. A rock is seen through a telescope; but whether it is seen clearly or not has no influence on the existence of the rock. Thus, a judge may be more or less convinced of the fact or guilt, as in the whole world things may be more or less probable, *i. e.* appear so to our mind. But the fact itself (which again must be apparent, provided punishment is to be a jural proceeding and not a mere matter of prudence) is not thereby made a half or three-quarters fact; which, moreover, would have to be the case if the punishment were to depend on the degree of conviction in the mind of the judge. The German Procedure is as illogical in this matter as a mariner would be

who, because he did not see a rock ahead clearly, should steer only half as far out of his course as would be necessary to avoid the danger. What connection is there between the seeing of the rock and its existence? If the question were whether we should admit a certain person to our more intimate society, we should certainly be guided by probabilities; for this would be a prudential measure, not a jural question, which demands, above all, the fact, *i. e.* for those not present at the deed, absolute conviction thereof according to the stated rules of evidence. We can form no comparative of "*in fact*," or say "*more in fact*," "*most in fact*." But if there is only the positive degree, only one deed, the punishment cannot vary with the subjective conviction of the judge, for this conviction makes half or one-eighth facts. The German Procedure commits the palpable error of substituting the subjective conviction of the judge for the objective deed, and of making punishment — which, if it is to be a jural measure, must depend only on the latter — refer to the former, the entirely non-essential, and only instrumentally important process in the mind of the punisher. The German Procedure commits the crying wrong of confounding the criminal trial with prudential measures, *e. g.* decimation, or arrest before trial. Even the most trifling punishment must rest on truth, *i. e.* proof, before it can be called *jural;* and to accept a more or less proved fact in Criminal Law (where a fact is not a belief of the judge, but the conviction of the prisoner) is the same error according to which a certain number of oaths in the Koran or with the ancient Franks made a fact more true. Once more, the only essential elements in Penology are crime, criminal, and punishment; everything else is merely incidental; but the German Procedure makes the certainty of the punisher an essential. The confusion of the ideas resembles that of the Fiji Islanders, who take more powder and bullets to kill a large man; and one of whom excused himself to some extent to a missionary, who had accused him of murder, by saying that he had taken only enough ammunition in killing his victim — a rather large man — as was necessary to kill a small man or

a woman. This confusion of ideas, as well as many other features of the German Criminal Procedure, shows the unhappy traces of the Inquisition, and the slight regard shown to the accused, as well as to the individual in general. I do not know whether this subject has ever been treated of from this point of view. If not, I should like to draw attention to it, and leave it to you, my dear friend, to publish these passages with my name, — something which could easily be done here or in England or France. At all events, I hope for your answer. My views became especially decided on reading some of the reports of trials which Feuerbach gives, and a translation of which I found in the "Edinburgh Review."

You will certainly agree with me in the opinion that Parliamentary Law, or Règlement, as it is called in France, is of the highest importance. St. Marcy acknowledges the fact, which, indeed, is apparent enough, that England is far in advance of the other European nations on this subject. Of course, many subjects have been developed here with more freedom; others are in a better condition in England. . . .

TO MITTERMAIER.

Columbia, April 6, 1846.

. . . Have you read Doctor Whewell (of Cambridge) on Morality and Polity? He has taken much from my "Ethics" without even mentioning the work, and even asked me, when I breakfasted with him, whether I had any objection to his using words I had formed, in order to express certain ideas, without acknowledging the source. I answered that he as a gentleman would know what was just and proper. The work has since been published. He uses my technical expressions, and, as I said, does not even mention my work. . . .

The entries in his Diary at this time are very few and short. The following is the only one of general interest: —

June 7. The immense activity now in Philadelphia, New York, and Boston, shown in the many annual meetings of

sects, societies, &c., Bible, prison abolition, &c., &c., is exclusively American and modern. It exists nowhere else, and never before. The number of people, the variety of purposes, the speeches, reports, &c., produce a prodigious stir. The Old-School Presbyterians have declined taking the Lord's Supper together with the New-School Presbyterians, as the latter had offered. It is rank, savage, old-fashioned, Knox-onian, hard-cider Calvinism.

In 1846, during the vacation, Lieber, with a letter of introduction from Daniel Webster to Judge Burnet, and "all good people of Cincinnati and Ohio," paid his first visit to the West. He was much delighted with it, and said that he had never known the United States before this visit to Cincinnati. He saw a number of people, and visited the prisons as usual.

TO HIS WIFE.

Lexington, Kentucky, September 3, 1846.

I have just returned from Mr. Clay's. . . . I left Cincinnati Monday morning, and meant to remain here only one day, but it was spent so delightfully, instructively, and smokingly with Mr. Clay, and he urged me so kindly to stay another day and dine with him, I could not resist, however anxious I am to return. Mr. Clay speaks with as much calmness of his loss of the presidency — and that too by illegal votes, as he thinks and I believe — as Joseph Bonaparte used to say to me: "Lorsque j'étais Roi d'Espagne." Yet he speaks with perfect truthfulness, and does not pretend not to have been disappointed, and deeply so. You know how much I have always cherished him; my affection is now even increased. Politics, history, anecdotes, bulls, blood-horses, slavery, — everything was talked of except tariff; for, having the very opposite views to his, why should I have discussed it with him? Surely neither of us would have been the wiser for it. I saw many of his beautiful presents. His daughter-

in-law, my neighbor at dinner, was educated at the Inglis's. There was no lack of conversation. Kentucky is charming, — gentle hills covered with woodland, pastures everywhere, and fine trees, just sufficient to shade the rich, green English turf beneath, and such fine macadamized roads! Ohio and Kentucky are, *par excellence*, green States, — rich, succulent verdure. There is a meeting of the Grand Lodge of Kentucky here; this brings many people and many ladies. These women are surprisingly well dressed, and most of them are handsome, — a great relief after travelling in Ohio, where the plainest women I have seen in the United States abound. It seems odd that the Tennessee women are the prettiest. This had already struck me in Washington. I am going to Louisville; thence, at three in the morning, to the Mammoth Cave. Then I must go to Nashville, to find my nearest way home, and from there post-haste to Columbia. . . .

In his Diary Lieber speaks thus of the impression made upon him by the West: —

August 7. On the beautiful Monongahela to Pittsburg. What a humming-beehive this will be a century hence, for here is grain, coal, and water down to New Orleans. Drove out to Judge Wilkins'; fine seat; a letter to him from Vice-President Dallas. He drives me to town, through the arsenal, the large iron-foundries; inspect the suspension aqueduct, by a German, Roebling, — a wonder, indeed, the ancients would have called it. Drive to the penitentiary; well conducted. . . . Oh, I like this West! It is beautiful; everything fertile.

August 19. Cincinnati pleases me much. Its destiny is immense. Food and manufacture! Judge McLean very kind indeed. I feel as if I had not known the United States before.

TO G. S. HILLARD.

COLUMBIA, S. C., February 25, 1847.

. . . I cannot agree with you in your view of the English Church. Whether good or bad, it seems to me plainly obvi-

ous that you have allowed your present study to enshroud your head when you say that you almost doubt whether the Reformation, such as it was, was a blessing to England. I am no bawler for Church and State, but I clearly see that the world would not have what is, in my opinion, its greatest earthly good, and that by a great many odds, too, — I mean Anglican liberty: that whole body of essential principles of civil liberty, representative government, two Houses, parliamentary law, jury (at least, such as they have it in England), responsible ministers, liberty of the press, the taxes belonging to the lower House, most of the choicest fruits of the common law, town, ward, and other primary meetings, and what I called in the "Political Ethics" homocracy, — without the Reformation in England. This, I say, appears to me plainly obvious. For myself, I believe that the Episcopal government (with the Dissenters, I allow) is the reason why the English people are that nation which is most pervaded by religion. With them religion remained religion. For the Germans it is a very beautiful thing or the finest of philosophies; with the French it is either a necessary sacerdotal institute or coarse priestcraft or *une chose très spirituelle;* with us it is sectarian dogmatics or an important social agent; but with the English it permeates all: no one is ashamed of it, and positive belief is the general rule. Nowhere else, I believe, could a man like Arnold have united with all his talents, &c., such fervor, and have died such a death. Nowhere else should we find such simple belief in a man like Lord Dudley. With no nation would a Parry or Franklin have so regularly read his Sunday prayers at the North Pole. Catholics, to be sure, would have read mass; but this was not mass, and it was no priest that read it. Perhaps you answer: "But at what cost did the English hold firm to their religion? Where is their criticism, their theological lore?" True, but religion is more important, just as *jus*, right, is more important than law and jurists, however learned. Perhaps you say: "Look at Ireland." True again, I say. She was shamefully governed, but we must not forget that a thousand

things are easy in despotic governments which are not so in free governments. All liberty is sharp. It was so in antiquity; it is so now. Look at our slavery. In liberty everything becomes a sharp, decided, quick, and distinctive agent; and though Ireland ought to be better ruled, it is no use if a Prussian, a Raumer says: "Look at us; how peaceably here Jews, Papists, and Lutherans live together." So do the blacks and whites live in close fraternity in the despotic States of Asia. I trust I need not add that I do not believe in the apostolic succession. That is really a very poor — one feels almost tempted to say, a contemptible — fiction. I am afraid I shall be misunderstood. One can hardly help being so when writing hastily on so vast a subject; but so much let me add: what I have stated is my conviction, the result of much reading, long observation, and earnest meditation.

Alas! why should people allow their hearts to be *cramponnés* and their minds to be constricted when they differ from a friend? They trifle with affection, or else they are small-hearted and narrow-souled. One thing has never happened to me: I have never lost a friend from neglect or a difference of opinion, at least, not knowingly. Love is so choice and rare a thing that people ought to keep, guard, foster, and nurture it, as the soul's noblest treasure, with a miser's fondness for his lucre. I remember when Judge Story had read my "Ethics" and spoke warmly of them to me, I said: "Think of these words if we should ever differ, even pointedly differ, at any future period. Let our minds differ ever so much, our souls never." There is reason to believe that this might be appropriately repeated, if, indeed, not too late. As to our state of politics, I still say, and with much more conviction every day, that we want a new party, a country party, repudiating Whig and Democrat, or rather absorbing both, a party with this programme: —

Free trade, — that is, exchange as God wills it;

Rational views on slavery. No fanaticism one way or the other; no Curse-the-Union party in the North; no Slavery-beauty party in the South;

Progress in a conservative spirit, — a spirit which acknowledges society to be a continuum;

Conscientious administration, — no party rabidness. . . .

Ever your loving friend.

TO PRIVY-COUNCILLOR MITTERMAIER.

Columbia, S. C., May 7, 1847.

. . . Yesterday we received intelligence of a victory at Puente Nacional. How remarkable this war with Mexico appears! That in the nineteenth century, and in the United States, a cabinet war should yet be possible is astonishing; for this was at its beginning as much a cabinet war as any in the last century, and of the kind which we publicists imagined could never happen again. What will be the consequence of all these battles? It is very possible, even probable, that our troops will have entered the capital of Mexico by the time you receive this letter. But what will then happen? A country like Mexico, of such an extent, so thinly peopled, and this by a half-civilized race, is not conquered by taking its capital city. I believe, however, that in the end we shall receive, or rather retain, California, and sincerely hope that one of the conditions of peace will be that we can build the canal through the Isthmus of Panama, so ardently desired. I do my best that we may firmly take hold of this all-important point. By this means the war will have the most momentous results in the history of civilization. . . . While it seems curious to us that a cabinet war should take place at this time and in this locality, it is not less remarkable to see with what an impulse the citizens of a free republic fight; for however wrong the war was in its origin, the troops — volunteers from all parts of the Union — are brave and excellent. This is the result of the spirit of liberty and the influence of *newspapers*, for every one, even the most obscure common soldier, knows that the whole nation hears of him and watches him. It is a subject on which one could easily write some chapters. Had the war been justifiable, I probably should have preferred to help in shaping history in the field, instead of teaching it in the

lecture-room; but it is a question whether he who volunteers in an unjust war does not participate in the wrong, and this I cannot but answer affirmatively. . . .

I do not doubt that you as well as myself were deeply grieved when the Royal Patents in Prussia were published. We asked for bread, and they gave us a stone; it was an insult, a crowning disgrace. Consider how far the English were advanced in 1647, how they understood the guarantees of liberty, how constitutional principles were already firmly established, — and then look at the wretched condition of Prussia in 1847. Alas for my beloved, insulted, misused country! The nobility have gained everything, while the people are burdened with heavy taxes, seemingly with their own consent. Not a single guarantee for liberty, — not one! Not an approach to a constitutional government. Prussia has not the courage openly to take sides with Austria and Russia, for "conscience makes cowards of us all," and she has not the heart, the soul, the manliness, the honesty, to go hand in hand with free England. The future historian will remark on Prussia's baneful influence and her wavering inconsistency between the requirements of civilization and a police government, keeping the noble land for centuries from her destiny.

TO SUMNER.

COLUMBIA, May 22, 1847.

Mr. Webster did not make himself agreeable here. The students illuminated their houses, the chapel windows, and public buildings; they had bonfires, music, and a torchlight procession; but he remained cold, torpid, like an alligator, and was in his intercourse absent to a degree of discourtesy which many considered rudeness. He has not entered into a single conversation, I believe, with any one, which is the more felt since our judges sit here at present unitedly, and showed a positive desire to honor him. The South Carolinian holds his judges in very high respect; they are the *big* men of the State, somewhat in the old English sense. Any discourtesy, therefore, to them is felt all over the State, especially as

he had been met by them with a spirit of personal regard and a desire to manifest profound respect for "the first lawyer of the country," the great statesman, &c. . . . What do you think of the madhouse speeches of —— on the Abolition platform in New York? Down with the Country, down with the Church, down with the Constitution! These men exhibit the thousand-times exhibited phenomenon of men sinking into fanatical idolatry of their cause and making it bigotedly the exclusive end of this life, just as the founders of many religious orders idolize one particular passage of the Bible, and knock nearly all the others on the head.

TO CHARLES SUMNER.

COLUMBIA, May 28, 1847.

I now thank you, dear Sumner, not for the copy of "White Slavery," which you sent me, but for the work. We have read it with profit. It is a valuable monograph, and cannot otherwise than strengthen those who still require to be strengthened.

I do not know whether it is for sale, or whether you have spare copies. If so, I would beg you to send a copy to *Mrs.* W. C. Preston, and another to Rev. Dr. Thornwell, both in this place. I prefer that you send it to Mrs. Preston, because he — receiving in common with us all, occasionally, furibund publications from the Abolitionists, sometimes pictures, which represent the Southerner in the act of whipping the negro to death — might throw it aside unread when simply looking at the title. I do not know for whom you mainly intended the publication. If for the South, your repeated mention of the "peculiar institution," in brackets, is a taunt which must impede its effect. The term is, indeed, significant in more than one way, and a powerful tract might be written on it, but I cannot see the use of repeated introduction where conviction and conversion are aimed at. If, however, you merely desire to rouse the North, the sting is in its place. Where have you got the German way of long and multiplied notes from? I do not mean to animadvert, but merely ask. That subject of notes is a very difficult one. The French

affected way of just mentioning the author, or the least possible word of a title at the bottom of the page, is silly. On the other hand, to let the text float on the notes, like a thin sheet of oil on a cup of water for a night lamp, interferes with the unity of the work and the quiet of the reader's mind, while it easily exposes the author to the suspicion of vanity. I often find it difficult to choose the proper mean.

It is hard to drop important matter, merely because not agreeable to tasteful arrangement or to the reader's mental ease. I observe that you, too, use sometimes the pronoun before the noun to which it relates, a very common thing in English, and not always easily avoided. . . . But what is all this compared to the main subject, that subject of which even "White Slavery" is but an interesting variety? Every day it occupies me more and more.

How *verpfuscht* my life has been and is! Look at the United States. Look at Prussia. Look at me, whose very soul was made for liberty, as the eye is for the light. Fanaticism and callous levity here, and ill-treated, ruined Germany there! I weep like the Persian, the prototype of all "who see the misery and have no power." . . .

In a letter, dated Philadelphia, September 18, 1847, Lieber writes: —

I passed one of the happiest days of my life with Professor Henry, the secretary of the Smithsonian, at Princeton. He is one of the rarest men in the United States, a deep thinker, liberal, genial, candid, thirsting to learn more, and therefore inspirıting and bringing out others. We soon stood not only face to face together, but mind to mind, and even soul to soul. . . . He coincides wholly with another plan of mine, — a statistical bureau, and will do all he can to promote it. This is far more important than I can make it appear at this moment. . . . As to the accusation in regard to the slave question, I am not sorry; for I have often thought that I should be *glad* if *pressed* out of my chair, so that I need not afterwards reproach myself with having carelessly abandoned a good place,

and led my dear wife and children into want. I shall write them a substantial answer on my return, which you shall read. I wish to do nothing without calm consultation with my good wife. I say "Away, away, from South Carolina;" and I should support you *anyhow*.

TO PRIVY-COUNCILLOR MITTERMAIER.

COLUMBIA, S. C., March 31, 1848.

MY DEAR, AND CERTAINLY NOW GREATLY AGITATED, FRIEND, — What great events have happened since I last wrote to you! Have Guizot and Louis Philippe, formerly so wise, actually become insane? And is there no judgment or common sense amongst the people who call themselves Republicans? . . . The so-called Republic may last for some time, for there is nothing that excites enthusiasm in a limited monarchy, unsupported as it is in France by beneficent national institutions or devotion to a long-existing dynasty. . . . What will be the consequence of these events in Germany? I believe that there will be a war, the end of which can only have one result — the unity of Germany. Communists will play their part, and great mistakes will be made, and the lack of political education will be painfully felt; but, I repeat it, if there is a convulsion I count upon unity as its result. This is the first practical benefit required. Liberty would soon follow. Certainly all who claim the name of Germans must be unanimous on this one point, that the crowd of princes has been tolerated long enough.

TO DR. S. G. HOWE.

COLUMBIA, S. C., April 8, 1848.

. . . An anecdote for you. The other day, when the German news had arrived, I was obliged to lecture. I began, — but I could not. I said: "My young friends, I am unfit for you this afternoon. News has arrived that Germany too is rising, and my heart is full to overflowing. I," — but I felt choked. I pointed toward the door. The students left it, —

gave a *hearty* cheer for "Old Germany." I hurried home and fell on my bed, and cried like a child, — no, far more, like a man.

TO CHARLES SUMNER.

April 21, 1848.

. . . Oscar has been in the Berlin fight of the 18th and 19th of March. My wife bears up against all these overwhelming accounts and the anxiety about her son; but leaving her thus increases my care, and I feel once more the heavy weight of our consciousness that we are lonely here without kindred families. . . .

I do not believe in a French republic. They will have a kingless government, indeed, for some years, perhaps a lustrum; but it cannot be a republic, because they have no institutions for it; they seek republicanism in a wrong place, and they dabble in generalities. Beautifully as Lamartine's proclamations are written, and noble as some, perhaps most, sentiments in them are, they contain also many radical follies. The ease with which the republic has been proclaimed and received bodes ill for its permanency. It reminds one of the change of a Parisian fashion. I plucked Louis Philippe long ago out of my heart, and have long considered Guizot like a moth bent on rushing into the flame. I allow that there was cause for an *émeute*, but nothing has shown me yet that there was cause for a revolution. . . .

TO DOCTOR HOWE.

Columbia, S. C., May 22, 1848.

My dear Howe, — Whenever you shall have succeeded one of these days in bringing me to the North, I will give you full right to tease me about slavery; but until then you must not reproach me with staying where I am forced to stay. My friends need not fear that I have not seriously reflected upon the subject. . . . I hope to sail on the 20th of June from New York. Conscience and duty urge me. My native land

calls me to see with my own eyes and to help if I can. I may return by way of Paris, but it is wholly uncertain. I may return merely to fetch my wife and children. . . .

What a downright silly clamor that is about organization of labor! This, by the way, is the very argument of the defenders of slavery, and was the precise ground upon which Fletcher of Saltoun placed his recommendation of reintroducing slavery into Scotland. He coincided, also, with Louis Blanc and the Communists in the hatred of capital, for he proposed to abolish interest, — but to organize labor. Why, freedom of production and exchange is the first basis of liberty. . . .

I am ready to serve, if I can do so, in whatever humble station. I have no particle of patriotism left which attaches itself to the glebe. My life has been such as wholly to quench it. Nor do I feel proud of Germany's past.

The letters from which extracts have been given will show the reader how intense was Doctor Lieber's interest in the revolutionary movements which were spreading throughout Europe. In June, as soon as his college work was finished, he started for New York, whence he set sail for Germany, to judge for himself of the condition of things, and to see whether, under a new and more liberal government, there might not be a place for him in which his wide experience might be of service to his country. The story of his disappointment will be found narrated in the following extracts from his letters: —

On Board the Steamer "Hermann," bound for Europe, Southampton, July 4, 1848.

. . . We arrived here after a passage of eleven days and twenty-two hours, — one of the swiftest passages ever made. I went immediately on shore and made a trip to Salisbury, — seeing the cathedral, — to Stonehenge, and Old Sarum. In the evening I read in "The Times" that the German Parliament

has elected the Archduke John of Austria Vicar-General of the Empire, and I feel so low and disgusted and poor in consequence, that I wish I had my passage-money back. I cannot write any more, my heart is so full of a sickening feeling. It was wrong in Nature ever to have made me a German. . . .

TO COUNCILLOR MITTERMAIER.

BREMEN, July 7, 1848.

Yesterday I arrived here after a trip of thirteen days and thirteen hours from New York. I read in England that Germany has returned to the House of Austria for a sovereign! And here I learn that the Prince of Prussia[1] was received back to Berlin with joy and acclamation! I have come to see with my own eyes, and of course I shall go to Frankfort. . . .

TO HIS WIFE.

GOTTINGEN, July 24, 1848.

Altogether I have not found the heart, hopefulness, ardor, stir, which in a certain degree I had hoped to find. Perhaps it will be different in Frankfort. One exception, and a very noble one, I must mention. When I visited old Hitzig I found him stretched on his bed, blind in one eye, palsied, emaciated, and wretched. This wreck of a man said to me, the tears streaming down his face so that his spectacles were bedewed with them: "Ja, mein lieber Lieber, wir gehen doch einer grossen Zeit entgegen" ["There are great times before us"]. This was Hitzig, who had made his career, obtained his titles, and gained all his friends under absolutism. He is old; while Knoblauch, and all those, so much younger, wail and contemn and run down! I could not see Humboldt. I went to Potsdam, but he was quite ill in bed. While I was on the stairs the King came to visit him; he is so short-sighted he did not know me. I was glad, for it would have

[1] Afterwards King, and the present Emperor, William I.

been painful to me to talk with him on the late affairs. I pity him from my soul. He is one of the many kings whose sad lot it is to be born to a throne; good and amiable, they nevertheless make the poorest kings. He has very few friends left. . . .

These brief extracts from his Diary will illustrate the general excitement: —

Again in Frankfort. General hopelessness, — strange contrast with the general glorious harvest through which I travelled. Poor transaction of business. No idea of parliamentary law. . . . Dine with Mittermaier, Von Mohl, Wurm, Bürgermeister Schmidt. To Heidelberg. Large meeting of the people, — banners, music, speeches. On the whole, well conducted. Old Winter presided. Blume, Schlöffel, — all spoke. Back to Frankfort. Everywhere hurrahing, shooting!

August 1. Parliament. Debate on the abolition of nobility. Poor speaking and very poor arguments. Every one seems familiar with the thought that it must soon come to a violent struggle. Prussia shows herself more and more separatistic. Never a more difficult revolution than this one in Germany. . . . Heard old Arndt, whom I had visited before. His "Vaterlands Lied" and the gigantic "Liedervereine" form a historical element of the present time.

August 3. Discussion on *habeas corpus*. They do not touch General Warrants; altogether not thorough.

August 4. Passing of the *habeas corpus* principle.

Doctor Lieber remained in Frankfort until September 1, attending the Parliamentary debates, and making excursions to Mayence, Coblenz, Cologne. Then to Göttingen and Berlin, where he saw Humboldt, who wished him to write something about Germany on his passage home. After a few days in Hamburg, he sailed from Bremerhafen on the 15th of September.

TO HIS WIFE.

FRANKFORT, August 8, 1848.

. . . This, then, is the first letter which is to give you an account of Germany, and myself, with reference to the new state of things. I find it very difficult, for not only is affection snatching all the time at my pen while I am writing on politics; but the state of things is so complicated, and so undetermined and peculiarly German, that it is hardly possible to give anything satisfactory in so short a letter. All I can do is to indicate briefly certain elements. You must dwell on them and combine them. You recollect I used to say that I could not imagine any unity of Germany without these two conditions, — an exclusively German foreign intercourse and an exclusively German army; and I do not see how powerful sovereigns and states such as Prussia, who have had their own history, could be induced to give up these two prominent elements of sovereignty, without force, without bloodshed. I find that people here agree with me. Nor do I see how the unity of Germany can be brought about unless the princes are thrown overboard. If there were one among them — a bold man — who grasped the time as Cromwell, Napoleon, or Frederic II. did, the game would be easy; but such a man does not exist. No revolution in history was ever so difficult as the German. It is a great misfortune, but natural according to the anteceding circumstances, that an overwhelming majority of the continental people look infinitely more toward France than England. England is shunned as aristocratic, and the whole drift of things here is pre-eminently democratic. This has produced one evil: in the Parliamentary proceedings they have adopted and are daily adopting the French *Règlements*, instead of the English or American wise rules. However, I doubt very much whether, under all the existing circumstances, the English rules could have been adopted, or if they would have worked well. They presuppose a people well skilled, trained, and formed in the politics of liberty. Yet I must add that the United States

is universally mentioned with respect and admiration. This does my heart good. There is, throughout the southern part of Germany, a large Republican party, and they count about one hundred in the Parliament; but I fear — I can almost say I know — that they understand by Republicanism little else but what I have often called, in my writings, Democratic Absolutism. I went to a large meeting at Heidelberg where many members of the Parliament were assembled. The Republic was throughout openly spoken of, hurrahed for, and insisted upon. But it was always the French Republic, the honor of whose acquaintance I have never yet been able to make in history, — for a kingless state of things is not a republic. I have no doubt but blood will flow in Germany. I mean by blood, not a few barricade fights but a *bona fide* civil war, and it is not impossible that the South of Germany will form a republic, leaning on France, and as a matter of course getting ill treated in the end; that Prussia will separate, uniting with North-German allies, and that Austria, already utterly *en débâcle*, will establish a great Sclavonic empire, — a fearful combination! The Prussians, of course, are discontented because the imperial crown has not fallen on the house of Prussia; the more so as every one feels that, until the very last, Prussia had but to say so and she might have had the empire, but she acted too unreasonably and foolishly. The ignorance in everything that appertains to civil liberty is inconceivable. There is, of course, no experience, and the want of all comprehension — I might say, the *naïveté* — in this matter shows itself constantly in the debates. There is all the time a state which I should designate as a brewing tempest, but the storm is ready in any moment to break forth. . . .

TO MITTERMAIER.

COLUMBIA, S. C., June 4, 1849.

It becomes more and more a heavy task for me, my dear friend, to write to you; for though nothing can be of greater interest to us than our fatherland, it must be quite tiresome

to you to read at Whitsuntide what I have written on Easter about things which happened with you at Christmas. And ought I to give you general impressions? These can interest you but little; and yet they are perhaps worthy of communication and comparison, especially between friends who understand one another, and who are able to read between the lines. You will remember that it was ever my most decided opinion that the great object which must be accomplished in Germany consists at present in the elimination and destruction of the system of petty sovereignties (*Vielfürsterei*), the historical scandal and political absurdity at present existing. Whether a republic or monarchy would follow is immaterial; the requirement now is that Germany *be Germany*, and that we at last retrieve what we neglected in the Middle Ages, and which we perhaps might have attained but for the death of Gustavus Adolphus. Any other course can only be temporizing and delaying. The King of Prussia, had he been a man of any power, might have easily achieved immortality, but he preferred the *rôle* of a janitor to princes to that of a savior to the people. You remember that I said in Frankfort, on the first day of the Parliament, in the presence of Gagern, that the Parliament ought certainly to organize an army, even if the numerical force did not exceed ten thousand men. How important the existence of such a force would be at the present time! I do not doubt for a moment that a resolute Parliament could make such an army the nucleus around which to gather a very large force, as did that of Charles I.; and the nation, the people, would rally around such an assembly, and would defend the Constitution. There has never been a crisis similar to this in German history, for never before had the German people a positive political symbol, around which the people, as such, could rally in opposition to the regular government. The Constitution is certainly defective, but it nevertheless contains the leading *idea* of a Germany and of the sovereign people, and would give great power to a leader who would stand forth and declare it to be the fundamental principle which he means to uphold. Thus

would a German Cromwell act. And is there really no such person? Cannot the Parliament insist upon its independence, and are privy councillorships and the little ribbons of orders still more attractive to men than the creation of a great, mighty, united Germany? I remember remarking to you a long time ago that the Germans possess a high degree of perseverance, but little energy. You somewhat resented this expression, and I did not in the least blame you; but do not you find that recent years have proven the truth of my remark? I doubt whether the events of 1848 in Berlin, the dissolution of a Representative Chamber by a merely symbolical power, would be possible in any other country. The president of that assembly ought rather to have died at his post. There are cases when the symbolization of power is out of place, and this was one of them. The death of that man would have worked wonders. It might, it is true, for a while have encouraged Red Republicanism, but that would not have lasted long. What is to be done? Is it better to follow the presumptuous reactionists, who would bring back all the misery and shame of former days? Will the disgraceful presence of the Russians perhaps incite the Germans to some greater deeds? — the presence of Russians to support Austria, a monarchy which never had any but an artificial and forced existence, and in which true greatness or simple and national development was made impossible by its various conglomerated elements. It is high time to put an end to this vexatious farce. I believe that if it were really necessary to retain the princes in their petty dominions, a hereditary emperor would also become a necessity, and that it was natural under these circumstances to offer the crown to Prussia, however unworthy the immediate recipient might be. An elective emperor would certainly be the worst of all forms of government, having all the faults of a monarchy and all those of a republic, with the advantages of neither. . . . We have today received the most astonishing news from California that has as yet reached us. . . . The story of the discovery of gold is almost inconceivable, and of the highest importance for all

mankind; for gold will draw thousands to that country, who will then become the vanguard of civilization towards Asia, — and from whence the white population will reach those islands which are blessed by nature more than Greece, and which resemble a kingdom of romance in the all-encompassing ocean. We believe here that when California is admitted to the Union next winter, it will have a population of one hundred thousand. . . . Are you not highly pleased at the repeal of the English Navigation Act? These are grand, successful, and true victories of peace and liberty! God bless all sincere free-traders! . . .

TO G. S. HILLARD.

COLUMBIA, June 24, 1849.

. . . The reason of my long silence is twofold. I think I wrote you that I have been acting president of this college ever since the beginning of February, owing to Preston's illness and absence. This has left me very little leisure; and then the news from Germany. However, yesterday we concluded the annual examination; to-day is the first day of the vacation. I sit at my window; all is quiet, except the almost tumultuous mocking-birds filling the air with their tuneful revels. . . . We had a letter from our beloved Oscar, when he had just returned to Freiberg from Dresden, where the brave boy had been fighting for four days and nights in the barricades, in the thickest fire against the insolent princes. His coat was riddled, his powder-flask perforated, his hat shot into; but God has protected the ardent lad. I cannot blame him, but you may imagine what a load of anxiety weighs on our minds, for what will the government do which was ultimately victorious? Oh! for a besom to sweep away that whole trash of German princes! . . . Have you not rejoiced with me at the abolition of the Navigation Act in England? Take all in all, and you must confess that it is the greatest victory yet gained in the ample cause of free trade and the sensible intercourse of nations. The Navigation laws have always been held up as the most consummate state wisdom, and the very

basis of England's tridentine power. Every Englishman has grown up with the idea that they were of the greatest importance. When a schoolboy, I recollect I was told that this was the foundation of Britain's greatness in spite of her limited territory; yet good sense and plain truth have been victorious. It is truly delightful, and will have some checking effect, at least, — if no prompting one, — on our cabinet, which I fear will be forced and feel inclined to yield a good deal to the obstructionists. . . .

TO G. S. HILLARD.

COLUMBIA, July 9, 1849.

. . . Do you know, Hillard, that every year I grow older, Shakespeare grows upon me with increased power, — by successive squares of the original root, — although I do not become in the least degree more indulgent to his faults. But he is so great, — so much greater than Milton, who, I cannot help feeling, occasionally falls into what I call the Ciceronian style. Are not the minds and souls of great men — such as Shakespeare, Aristotle, Charlemagne, or Luther — like the palace of Diocletian at Salona, within whose trusty walls later generations have built the entire city of Spalatro, nestling there with their dwellings and gardens and shops and all the buzzing life, secure against pirates, Turks, and other ruthless folk? . . .

Speaking of a book, which he thought was inspired by Richter, Lieber says: —

Besides, Jean Paul approaches (like Michael Angelo, though I would compare them merely in kind) so closely to the extreme, that every imitator or reverberator becomes a caricaturist by way of going beyond or remaining below, without Jean Paul's other qualities. There is, I think, a great deal of Jean-Paulism pervading Boston now. He does not grow upon me as I advance in years. . . .

TO GEORGE TICKNOR.

COLUMBIA, S. C., December 2, 1849.

Many thanks, my dear sir, for your kind and agreeable letter. I am delighted that Hillard goes to the Senate, as I take it to be settled by this time that he has been chosen. It will do him great good, and the community will profit by it. He is an eminently æsthetical being, and all such men stand especially in need of having their skins invigorated by the rolling waves of the ocean of real life. In fact, who does not stand in need of being received into the ancient and honorable order of pachydermata before he can become really useful, and can aim at a complete development of his humanity? There are souls which have never been properly annealed. I do not think Hillard's is such; but buffeting will do him good. All contemplative natures like to brood, and although contemplation is necessary and inspiring, brooding is its morose counterfeit. . . .

TO G. S. HILLARD.

COLUMBIA, S. C., December 2, 1849.

. . . Ticknor speaks of you in such a manner that I cannot distinctly make out whether you have been chosen a Senator of Massachusetts or not. Fanny Longfellow wrote me before Ticknor that you had been nominated. I take it for granted that the people have had sense enough to elect you; and if they have done so I congratulate you, — not as a matter of course, or as a mere expression of friendly, sincere sympathy, but because I believe it will do you good, will make you a more useful man, strengthen you inwardly and outwardly. You are an eminently æsthetical being, and all men of your cast are apt to fall into that distemper which Goethe represents in his "Tasso," — a shrinking from any touch with reality, growing every day more delicate and nervous, if it be not counteracted in time. It will be good, therefore, if you are tossed by the health-bringing waves of reality. . . . Reality is much decried. Longfellow writes me: "Our two friends, Hillard and Sumner, are

working in two different shafts of the dirty coalpits of politics," or something of the sort. I disagree. I subscribe, indeed, to every word the patriot Eliot wrote on Contemplation. I have often asserted that solitude ought to be made one of the elements in the formation of every soul and mind. I speak from experience. For nothing on earth would I give the time I spent in prison. I go farther: I say that some of the holiest truths are recognized in retirement from the world, understood by a few kindred spirits alone, and shrink before the crowd. But I say at the same time that God made man a being who can attain to his perfect development in the social state alone,— that in the rough and tumble of active life, inward vigor, modification and harmony of individual tendencies is obtained, without which we cannot perform the task demanded of us by our Maker. . . . Politics are often turbid, but man is made among other things to be a citizen; and decrying politics in a lump, running them down as a vile thing, unworthy of a high-minded soul, is denouncing God's own order of things. If the politics of any given time are vicious and low, still they are the politics of our society; and we must add our mite to make that, without which humanity cannot and shall not exist, better and purer and healthier. There are, indeed, times when ghastly ruin surrounds the best-disposed, far and wide, and near and close, as in the last days of Athens, or that appalling period in which so many naturally fled to the convent to find repose; but, God be thanked, such is not our fate, and we must always guard ourselves against supercilious pride, and not abuse our times because we are disappointed. I have on this subject a whole chapter in my "Ethics," [1] as you may remember. Go, then, and prosper; toil and be not disgusted; do good, and, however small the good you do may appear to be, we will bless you. . . .

[1] V. "Political Ethics," bk. iii. chap. vii. vol. ii. p. 80.

TO G. S. HILLARD.

COLUMBIA, S. C., December 29, 1849.

. . . I am very sorry that you are weak. Willingly would I give you part of my stock of health. You write of Ewald, that he worked eighteen hours. I suppose he included eating and walking time. If so, I do the same. I rarely go to bed before half-past twelve or one o'clock — not unfrequently, later — and am always up at half-past six o'clock, for at seven I have a lecture every morning. In summer I have one at six o'clock. But what I have never been able to understand is the patience with which these German sumpters stick to one and the same thing through life. To study Hebrew, Latin, Greek, the Fathers of the Church, for ever and ever, without getting tired of the *toujours perdrix* is what baffles me. I find at times that lecturing on subjects which are wholly my own, on which I know that I am thorough and deep and comprehensive, becomes tasteless because I have been animated, spirited, gushing, on the same thing some ten times before. Perhaps it is in part because, after all, scholarship in my case is but a morganatic marriage, — that I was made for a different sphere, for action through masses; still, everything in this blessed world becomes tiresome, even a tune of Mozart; and how can those old fellows stick to their subjects, and often to the smallest details, through a whole life? Does it not, after all, presuppose a certain dulness? I fear it does. I fear they could never have done it had Germany enjoyed a public, manly life. . . . You write about the struggle for the speakership. I am not sure that the whole was not a good thing. The danger has clearly appeared and made both parties somewhat calmer. But what will the Southern Convention do? Will the South become plainly factious by disallowing the admission of California? Who can know? I feel like Falkland before the open struggle began. I love my wife, — God knows it! — yet I know I should not feel her loss more than the breaking up of the Union. What a prospect! What a nipping of the fondest

hopes! What a blast to Europe! If the Union breaks up, mark me, the South will become madly protective for a while, and the old process will begin again, — an antislavery party will rise in Virginia and spread to North Carolina. Possibly a reunion might take place, but after what bloodshed, what vindictiveness! . . .

Ever yours, F. L.

CHAPTER XI.

The reader has doubtless noticed Lieber's occasional references to the "peculiar institution" of the South, as slavery was euphemistically called, and his frequent expressions of regret that he, an ardent lover of freedom, should be compelled to pass his life in an uncongenial society, among the owners of slaves. He had, to be sure, many warm friends in South Carolina, but he felt continually that he was a stranger who could not fairly sympathize with them and their manner of thought. It is easy to see from his letters and from his books that he was a foe of every kind of despotism; his studies and his deepest feelings convinced him that a political system which, like that of the South, rested on slavery was wholly unsound, and no one will wonder that he was continually chafed by what he saw going on about him. He did not rest contented with disapproval and the slight relief of expressing his views in private letters. He sought to show the unsoundness of the position held by the defenders of slavery, in the only way that might produce an effect. Mere denunciation of slavery, besides involving danger which his circumstances did not justify him in running, would have been looked upon as fanaticism, and would, moreover, have been absolutely fruitless. The position of an abolitionist in Massachusetts thirty or forty years ago was not an agreeable one; in South Carolina he would have been

in danger of his life. What Lieber did was to choose a much more efficacious course. He attempted to influence public opinion at its source by writing a series of letters to John C. Calhoun concerning the position then assumed by the slaveholding party with regard to their rights in the new territories. They maintained, it will be remembered, that they could not justly be forbidden to take into this new region their slaves, which were, under the Constitution, their own property. Any other rule, they alleged, was an unfair discrimination against their rights. This question was chosen by Doctor Lieber as the main subject of these letters, although slavery itself, of course, had to be discussed in many of its bearings.

After a brief introduction, Doctor Lieber wrote as follows, and his testimony will be of value to the future historian : —

I am thoroughly acquainted with the South. Many affectionate ties unite me individually to her. I know what every Southern citizen knows, if neither blinded by the love of theory nor by political extravagance, that an overwhelming majority of your portion of the country consider slavery a heavy burden and grievous evil now, — as it was considered by our fathers at the time of Washington and Jefferson. I am not aware that you have ever pronounced yourself of that opinion held by a few transcendental anti-abolitionists, such as the late Chancellor Harper of your State, and have ever changed your view expressed in former times, that slavery is a scaffold to rear — in new countries occupied by civilized settlers — the fabric of civilization, which must be taken down so soon as the fabric is fairly finished. But you would assuredly not grant that civilization has not yet been firmly founded in your region of the United States? Common sense will always revolt at declaring slavery a desirable good of itself, and defeat the subtlest sophistry by the

plain question: Should you like to be a slave? Should you even like to descend from one? Should you grieve to see your daughter enslaved? Would you restore the foreign slave-trade? and why call it piracy? Would you vote slavery into existence, did it not already exist? . . . Slavery is eminently a state of degradation. All your codes pronounce it such. It is a state of degradation which disavows the two first elements of all progress and civilization, . . . property and marriage as legal institutions, which slavery annihilates, as much as the vilest communism. And how can a state of degradation be a good of itself to the degraded or the degrader? The assertion that it is, is a contradiction in terms. . . .

Many long years of observation and ample intercourse in the South have shown me that the South universally laments the institution. It is often done openly. The more she regrets slavery, and the less she sees how to cure the evil, the greater is her irritation. But were slavery to be introduced now, and you possessed already all the experience which the South has acquired, not one vote in favor of establishing it would be obtained from Maryland to Texas; and a slavery-man, should there be one, would be hunted out of the land, as you now pursue an abolitionist who ventures among you. There is not a truth-abiding man in the South who will gainsay this. Why, then, does the South nevertheless so resolutely oppose the exclusion of slavery from territories yet free from this malady? Chiefly because it is considered an insult, an attack upon the Constitutional rights of the South. You consider it an assault upon your property, and an interference with property has ever been justly felt by freemen as an odious attack upon freedom itself. There are occasionally other reasons given [such as the necessity of expanding the slave-territory.] . . . The seed of death is in everything that depends for its existence upon the principle of "more, more," as the doom of Turkey was fixed at the very time when it became a power which would be kept alive by conquest alone, and as the end of Napoleon could be foreseen

when he put his stake, not upon the living strength of growing France, but upon wider and wider conquest. . . . If the existence of slavery depends upon the acquisition of more and more territory, it is by its nature at war with all free countries, and its doom will appear far sooner than very many friends of man have had the heart to hope.

In the second letter Lieber takes up for special consideration the Southerner's objection to the Wilmot Proviso, which forbade slavery or involuntary servitude, "except for crime, whereof the party shall first be duly convicted." This was at first suggested with regard to Texas, and subsequently to the various Territories as they were organized. At the time that these letters were written the organization of New Mexico and California was before Congress.

He shows that the charge of insult would be brought into the discussion; that it is one of the "adventitious circumstances and unessential adhesions" of the subject of which the wrong lies as much on one side as on the other, and that the main question is not the animus of the opposing political parties, but the real harm threatened the South by the Wilmot Proviso. It is asserted, he says, "that the Wilmot Proviso virtually declares that an institution existing with us is so bad that it must not be introduced into those new Territories. . . . It puts no retribution upon the Northerner, but trammels the Southerner who wishes to emigrate to California, should he consider it best to remove with his slaves." Doctor Lieber shows by many examples that this proposed law cast no slur on the South. For instance: "Did England consider herself insulted because we peremptorily forbade forever by our Constitution the establishment of any nobility or

orders of distinction, because she has Lords and the Orders of the Garter and the Bath?"

In the third letter Lieber quotes a passage from the address of Southern delegates in Congress to their constituents, in which they asserted that the Federal government had no more right to restrict or extend slavery than it had to establish or abolish it, and shows that even if this were granted, the fact that slavery was non-existent in the Territories under consideration rendered them free, because in all cases the laws of a conquered country hold after conquest until superseded by a new code. This he illustrates by many examples. Slavery, he affirms, is a municipal institution; it nowhere exists by the law of nature, and is never acknowledged "beyond the State for which the municipal law exists, except by specific treaty." Thus, Somerset, the West Indian slave, was adjudged to be free on English soil, by Lord Mansfield, in 1772. Pombal, of Portugal, rendered a similar decision concerning Brazilian slaves in the middle of the last century.

It is useless to prove what, indeed, is known to every one who has bestowed the slightest attention to it, namely, that slavery is considered emphatically and exclusively a municipal institution by all countries and all jurists, as well as publicists, European and American, Northern and Southern; a truth — I add it in sorrow and deep concern — which you are the first that has ever denied.

Slavery does not exist in the conquered Territories. It is extinct; it cannot exist there without new legislation, without a positive law, whether this be enacted by Congress or the Territorial government. The North takes the Territories as they are, and desires no privilege. They do not wish to exclude you or any one. But it is you who demand special legislation, since without it the shackle must fall from the slave on

his being introduced into California, as much as it falls to the ground if a foreign slave is introduced into Louisiana or Virginia. . . . As to your assertion in the reply to Senator Benton's speech, that the Southern citizen has the fullest right to introduce slavery into California, because, belonging to the United States, it is by this very fact covered by the Constitution, it is almost too untenable to deserve a very serious examination. . . . The Constitution of the United States gives you just as much right to introduce slavery into California as to establish it in Massachusetts, — that is to say, no right whatever. The Constitution does not say that you may introduce slavery where you list; it does not say that Territories have no laws at all, and may at any moment be converted into Slave States; it does not say that the North must introduce no peculiar domestic institution but that the South may, or that the institution of non-slavery of the North is of a less positive character than the slavery of the South; it does not say that slavery ought to overrun the country, but, on the contrary, it does not even venture to pronounce the name, — blushing at mixing up that name so repulsive to freedom, with the provisions of an instrument which was to stand as a monument of wise, generous, and ardent freemen for all ages to come; it does not say that because all American citizens shall be free and equal, any portion of them shall have the right of imposing any peculiar domestic institution upon another part. . . .

In the fourth letter is taken up the Southerner's plea that the slaves are his property, and that it is unfair to forbid his transporting his property into whatever part of the country he may please.

You are not disfranchised of a privilege possessed by all others, for no one is permitted to bring slaves along with him. No West Indian can introduce his slaves into California, not even into any part of the United States. Still, it will be replied, slaves are movable property, and you

will not allow us to take it with us. . . . The answer is obvious: Because, although the law declares the slave to be the property of his master, slavery is not purely an institution of property. It is also a personal one.

This statement he goes on to confirm by pointing to the manner in which the law defended the slave from his owner's cruelty.

It is this fact, this indissoluble union of property with person in the deplorable institution of slavery which causes all the difficulty, and which makes it appear as though there was in the North a desire to interfere with other men's property, when the sole desire is to exclude a personal and most peculiar institution, infallibly bringing consequences in its train which those that love freedom are unwilling to encounter. They do not desire to interfere with your institution; but they will not allow you to interfere with them, and you do it if you saddle slavery upon our new Territories. . . . I deny that the North interferes with the property of the South by keeping a Territory, where slavery does not exist, free from this inconvenient, incongruous, and ruinous institution. In doing so, the North is purely passive. . . . If there be intrusion in the matter, candor must confess that it is on the part of the South, for you demand over and above common equality, the peculiar privilege of introducing a peculiar and municipal institution.

The fifth and last letter is, perhaps, the best of all.

I am not so vain as to believe that my preceding letters have carried conviction to you, or any reader's mind, already prepossessed of views opposite to those which I have maintained. The inexperienced alone believe that they can at once shed irresistible light on subjects which have been long the ground of contention in politics or religion, or, indeed, in any sphere save that of the exact sciences; but I feel convinced that I have suggested views and arguments on questions of vital importance, which deserve dispassionate reflection.

He then adds a series of remarks on the general question of slavery, pointing out that it was an error to say that the North is against it.

It is not the *North* that is against *you*. It is mankind, it is the world, it is civilization, it is history, it is reason, it is God, that is against slavery.

You frequently complain that the whole world is against you, while others boldly call upon you proudly to stand out against all the world. But wisdom requires that you inquire whether the first is not a sign of the times, and the second a warning that never yet has individual or community attempted to resist the broad current of the advancing spirit with impunity. . . . You preach that the Bible is the book of salvation, but you are obliged to forbid millions even to learn to read. Other people have established lately institutions for the instruction and melioration of even idiots, and everywhere the subject of general school education forms one of the highest questions of national policy, but you must condemn millions to ignorance. . . . The whole world agrees that liberty of the press is one of the first conditions of advancing humanity, and one of the most sacred of inherent rights, but you permanently suspend it upon all subjects relating to slavery, and declare your communities in a permanent state of siege. You claim equal justice for all, but you grant no jury to the man of color, and withhold from him the many bulwarks which it is the pride of our race to have erected around penal trial, to ward off the undue influence of power.

. . . The worst revolutionists and the most dangerous promoters of disorder are those who blindly adhere to what exists, merely because it exists, and deny the necessity of changes. . . . Wisdom teaches that there is no institution in the whole world which must not change in the course of time; for times change, and everything that does not proportionably change with them must go down, and is thrown out, as a living body throws out and casts off everything in which life is extinct. All life assimilates, and whatever resists assimi-

lation is expelled as foreign, or brings death. You, however, treat slavery as if it were, of all institutions, the only one which requires no change, no assimilation, and is absolutely finished and perfect, and neither needs nor allows of discussion preceding wise change and gradual modification. If, as many of you seem to believe, at least at present, slavery is no deciduous institution, but one of indefinite duration, the necessity of modifying adaptation to the changes of the times is obvious. . . . Changes, to be wise, ought to be peaceful, and none can take place without violence, if discussion be not allowed, and if, first of all, the necessity of change be not acknowledged. It is this in which the South so sadly fails.

I know you, sir, too well to fear from you the answer that no law prohibits such discussion. You know, as well as I do, that it cannot be done. . . . But if you fear discussion, if you maintain that the South cannot afford it, that every man who differs from your community, or who sees deficiencies in the institution must be hushed, then you admit at the same time that the whole institution is to be kept up by violence only, and is against the spirit of the times and unameliorable, which means, in other words, that violence supports it, and violence will be its end.

Slavery in the Southern States has produced a state of things which is not rare in history. Indeed, every great change must probably go through that stage, namely, when the minority sway for a considerable time the majority, because the existing state of things, which is to be changed, is so interwoven with ancient associations and the inmost feelings of the community, that it is easy to raise the hue and cry of heresy against every one who thinks differently or doubts; and timidity, want of concert, and a fear of being made to appear in favor of enemies, keep the majority for a long time from becoming manifest. It was so in the two centuries preceding the Reformation. But what a gush when once the dam was broken! . . .

The people have been reluctantly drawn to the apparent sanction of many things toward which they feel no inclina-

tion. The most important of them at the present moment is the demand of the admission of slavery into California. The Southern people at large had no desire of spreading slavery; all they wished for was to be let alone; but their leading men, instead of turning their attention toward practicable amelioration, have urged them into a course which involves the question, inherently difficult, in additional perplexities.

Here the manuscript from which these letters are copied comes to an end.

Some of the statements made in the course of the correspondence may be found in the following letter to the Hon. W. C. Preston, President of South Carolina College: —

January 18, 1850.

My dear Sir, — Our conversation this morning, on the all-engrossing subject of Union or No Union, induces me to put down some views of mine, so that I may have the benefit of another conversation with you, more definite and more private than an exchange of ideas in the Faculty-room can be. The subject has all the deep and vital interest to me that we naturally feel in any impending danger and calamity. I own that the thought of disunion *me fait frémir*, as much as if I were to see my own wife and children calling for help, while thick and red-hot smoke rolls out of the windows of our house. Must we, then, really be witness of so awful a conflagration? Is the Union destined to a shorter life even than brief, brilliant Greece and the stanch, proud Netherlands? Must it, then, really turn out to have been a mere act of speculative folly, — what has ever appeared to me a deed of the boldest and grandest wisdom, and of the most original conception in the framers of our Constitution, — that they, the first in history, dared to engraft a representative system and regular government upon a confederacy? I have heard the men of all parties at Frankfort state that the more they studied our Constitution (and it was published in numberless translations) the more they were amazed at its simple grandeur and deep wisdom, and the more

they regretted every impediment and every fact which was in the way of accepting it as it is. A native of Europe, having loyally sworn allegiance to the United States, views, no doubt, this whole conflict with different feelings, different associations, and heart-throbbings. No nursery recollections, no boyhood reminiscences, attach me more to one part of this yet greatest Commonwealth than to another. When a man leaves his native country to wed another, he cleaves to the new one, as to a chosen wife, the faster and the truer, and his pride, affection, and jealousy are flung over the whole, even as his oath bids him be faithful to the whole in its integrity. He keenly feels a family quarrel, for he wedded into the whole family. Yet, native or not, are there not points which must strike us all with equal force? I hold myself firmly convinced of this: —

That no peaceful separation is possible, in the nature of things, even though both parties should desire it;

That a war between the North and the South would be one of the bitterest ever recorded, and degenerate perhaps into one of the most honorless and meanest, void of that faith and chivalry which is wont to hover over modern wars, as the remnant star of humanity;

That we should not split into two parts, but into three or four, — California settling for herself to a certainty;

That our rapid advancement would be put a stop to;

That no convulsion recorded in the annals of man has thrown back our species so far as this rent and contest would inevitably do, and that the enemies of fair liberty would sing a Hallelujah, and be right in doing so;

That under all circumstances slavery must be abolished, for antislavery is not an artificial thing. It lies in the nature of civilization and in the course of history. Slavery is a deciduous institution, which always falls at a certain time, as the first teeth are absorbed and give way to the second;

That a weight of opinion would press upon the South, which would be heavy indeed, for the world is against slavery. . . .

When the Swiss were on the point of severing their country,

Flühe, a hermit, rushed into their senate, calling: "Concord, Concord, Concord!" and conjured so fervently, and painted the dangers so vividly, and pointed to the past so exhortingly, that he succeeded. Would that we had our Flühe, too! Will Clay be he?

TO GEORGE S. HILLARD.

COLUMBIA, S. C., January, 1850.

. . . I thank you for your review[1] of Ticknor's work, which I am now very desirous of reading. Your paper is very flowing, and has a number of passages a man likes to remember. You speak well of the Spaniards at the end of the review. I have never been in Spain, but what I know of the Spaniards, and by seeing one of their colonies, does not allow me to agree with you. I dislike the nation. I dislike the garlicky, gold-chained individuals, and I dislike their caricature politeness. What have they done in history? What have they made of religion? They have developed the darkest of all institutions, the Inquisition, with a consistency, a cruelty, an infamy which surpasses every unhallowed tendency into which any other people have been betrayed. They have established systems of government in their colonies so inferior to those which existed among the conquered heathens, that the ruins of the broken-down civilization put the Christians to shame to this day. They were cruel and faithless, as no other nation has ever been for any length of time; their cupidity has prostrated religion on a scale so gigantic that other nations appear like pygmies compared to them in this great vice of the white race. They have left the law wholly undeveloped; they have contributed nothing to science. What have they done? They have produced some saints, to be sure; and what saints? Ignatius Loyola, — in whom, I think, the Spanish dark sinister character is marvellously centred and represented. I do not say that they may not rise. I believe they will rise one of these days: so will many others. . . .

[1] "Christian Examiner," January, 1850.

How strangely the Whigs in Congress allow everything to be taken out of their hands! The Whigs are very much in this respect like the Germans. The universal education in Germany renders them impracticable; for one of the chief aims and benefits of good education is to individualize more and more, and, consequently, to render less fit for massive movements. It is in this again, as in a thousand other things, that the English alone have kept a sound mean. An Englishman, though highly educated, can still subordinate himself. The times of Pitt and Fox are a most remarkable example. The American Whigs are, upon the whole, the better educated; and they are intractable, just like the Germans, or at least in a similar degree. . . .

TO A MEMBER OF THE FACULTY OF COLUMBIA COLLEGE, SOUTH CAROLINA.

I hope, my dear sir, you will no longer consider yourself as the only member of this Faculty that is exposed to the charge of teaching unbiblical doctrines. Mrs. Lieber tells me that the "Telegraph" of to-day contains a similar charge upon me written by some Erskine College professor. I consider it an unfortunate fact for the Bible, and its great and blessed cause, that some theologians have at all periods considered it their calling to waylay, if I may so express it, every new science, or new discovery in a science, or new turn a science may take, and to have a pull at it. Few things prove to my mind more strongly the inherent vigor and self-sustaining truth of the Bible than that it stands and will stand in spite of the many capricious, ill-judged, and even vehement, venomous, and sanguinary attacks for which the great Book has been misused by its misguided friends; so much so that, with shame it must he confessed, not a single essential progress has been made in the history of advancing civilization — neither in science, the arts, nor politics — that has not first been impeded by pseudo-religionists. Natural philosophy, geology, political economy, the lightning-rod, vaccination, the disbelief in witchcraft, navigation, the Royal Society of London, taking interest

on money, printing, civil liberty, making roads, gardening, astronomy, anatomy, the belief in a western continent, a proper division of universal history, the abolition of the tithe, the political independence of nations, the separation of the church from the state, the belief in spectres, inquiries into human language, the annihilation of the *jus divinum*, — all, all have suffered from misapplications of the most truth-loving and most truth-preaching of all books. Perhaps it only shows its all-pervading character, similar to the elementary principles of our body and our minds, implanted in every one by infinite wisdom, and which, for the very reason that they are ingrained in every one, are so frequently and so easily perverted, — as hunger, thirst, love of distinction, inclination of the sexes to one another. Or the perversion of the Bible may be compared to the fact that every great truth is sure to find its fanaticism and its own caricature at some period. The Bible being the greatest truth of all, therefore, finds the most manifold misapplications and distortions. I began with the intention of writing you a single line, but the subject has carried me on.

TO G. S. HILLARD.

COLUMBIA, S. C., February 5, 1850.

The evening before last, my dear Hillard, I had your sensible and excellent letter of the 29th of January, and now hastily write that, should any report or important paper be published upon the Majority and Plurality Principle, you will have the goodness of sending it to me. It is important, and I have much reflected upon the whole subject, — *i. e.* the mediæval principle of unanimity, and the plurality and majority with us. My idea has always been that the fundamental principle ought to be majority, which admits hardly of an exception in case of *representation*, but many in cases of electing *officers*. The plurality, I think, had best always come in this way — that after, say, ten ineffectual trials a choice must be made between the two highest. This cannot be done in all cases, — for instance, in electing a gov-

ernor of a State by the people. I do not know whether the State of New York has not ordained wisely that plurality ought to decide in the election of their chief magistrate. . . . Something must necessarily be done everywhere in this matter. It may be natural, the more a nation advances in political civilization, that more than two parties spring up, though it is never a good thing. At any rate, times will occur when a political distraction of this kind may be most mischievous, and the difficulty must be provided for. I see well that if you let in the plurality principle, you give a great advantage to the less educated, because they move, by their very nature, easier in masses. But I do not see how this can be helped. You cannot starve electors into *bianimity* as you starve juries into unanimity. And look for a moment at Ohio, at your Cambridge election, at Congress. . . .

I wish I could send you a letter I wrote on the effects of disunion to Preston.[1]

TO GEORGE S. HILLARD.

COLUMBIA, 1850.

. . . You write about Senator Webster's speech, and want my opinion. I give it to you in confidence. I will not speak of its excellent parts; there are many, very many. It seemed to me at once that he was not sufficiently truthful as a Northern Senator. I think he was bound to touch upon the District of Columbia, and tell the South at once that, if ever the people of the District wish to abolish slavery, it is arrogance in the South to say Congress cannot do it, and that the scandal of slave-trade in the District must forthwith be abolished. I think, furthermore, he was bound to say that if the Constitution demands the giving up of runaways the North must and will insist upon a law very different from that by which we can claim a mere stray horse; and he ought fairly to have entered upon the fact that, although slavery is

[1] This is the letter given above.

an institution of property, it does not touch property alone, but also personality; that it is a mixed institution out of which a mixture of difficulties arise which must be attended to. You remember the views of "Tranquillus" on this subject.... And was it too much to expect the Massachusetts Senator to say a word to the South, — that, in feeling disinclined to give up slaves, the Northerners were not exactly pickpockets, as Mason of Virginia had said; that some consideration is due to a feeling which sympathizes with a man that does what every pursuer of his slave would do himself were *he* a slave and had a chance? I think, moreover, that Webster was bound to give his opinion upon the point whether slavery could be lawfully carried to the conquered territory, as it exists now by the mere vigor of the Constitution; for this has been made a distinct point at issue, and he, as the reputed Constitutional lawyer, was bound to give his opinion. Lastly, if he stated that slavery has always existed, he was bound to state likewise that it has not always existed with all nations, and that it likewise *always* dwindles with civilization, and it is equally *always* a moribund institution. Polygamy, concubinage, tattooing, and rouging have also always existed. If he mentioned at all that Christianity does not absolutely prohibit slavery, he ought also to have stated that, from the earliest times, Christianity and the Church have urged abolition and promoted it. The Bible does not attack despotism directly, not even the Roman vile, imperial despotism. Is that a reason of defence? An old Archbishop of Augsburg, Ulricus by name, said in a pastoral letter to his priests: "If you squeeze the Bible too hard, it will give you blood instead of milk." As to California, he may be right, but he does not know any more about it than you or I do, and the matter is not certain whether slave-labor may not be there employed. I wish, too, he had stated that it was a grave error to say that extending the territory of slavery is no extension of slavery, — a favorite dogma of the South. It is not true. Population depends upon *food* and *room*. Would any one deny that more people of Spanish extraction exist

now than would have existed had Spain never possessed South America? I missed in Webster's speech definiteness as to *measures*. As to the mere effect in the North, I said at once to my wife: "I fear that this speech will sooner or later nip him." Still the general tone is praiseworthy; but he would have done *more*, I cannot help thinking, had he spoken for all and not merely for the South. I believe he would have done a greater service to the South herself.

. . . I cannot help thinking that Calhoun's death will be healing rather than otherwise. As to himself I must say, it seems to me melancholy that such a speech as his last must be placed on the coffin. I think it is a purely intellectual composition, without heart or sympathy, without a spark of *American* feeling, and containing many errors. Why, the South has always ruled, and that is one of the chief causes of their uneasiness. The sceptre is dropping, and such changes never take place without struggle. Power never shifts from the hands of monarchs or masses, provinces, classes, or regions — and be it power of wealth, number, intellect, or aught else — without pangs and heartburning. There is always a hegemonia in all spheres — in commerce, science, regulation, and regions; and the great beam of this hegemonia never changes without contest and wrenching.

In a letter to Mr. Hillard, dated April, 1850, speaking of the murder of Doctor Parkman, he says: —

I suppose you agree with me that, let a man be essentially mean, and he is capable of anything when an opportunity presents itself. It is this that gives such high value to the idea of the gentleman in the whole English education. Hatred, vengeance, vice, and sin are bad, but the worst, or at least the most dangerous, of all things is meanness. People have always felt it. Even criminals, I have found, ready to acknowledge all else, will never confess to anything which, in their opinion, is mean. And (a very serious consideration) whatever power religion possesses in mending man, it rarely, perhaps never, elevates a man naturally mean; for mean-

ness pervades the whole being and prevents the elevation of the soul, which must precede amendment. Very long intercourse with truly religious people and high-toned associates in the atmosphere of truthfulness may produce a change, but I fear it is rare. Let us raise the standard of truthfulness high above all else, and that alone will make us safe against whole classes of aberrations from the path of virtue. . . .

There is a contest brewing here about the unity or diversity of our race. I confess to you I cannot see how a negro, with his anatomical and physiological difference, ever can have grown out of a white man, or *vice versa*, and so with the Mongolian race. . . . On the other hand, I am far from joining in the wholesale declamation about races. We have nowadays always the Caucasian race in our mouths. If that *race* is so pre-eminently superior, how did it happen that civilization flourished on the Ganges thousands of years before the Caucasian race began to work itself out of the mire of barbarism? How did it happen that Egypt was in a high state of civilization when the Caucasians were mere brutes, and that Egypt gave the germs of all civilization to Greece? If the Caucasians are the peers of mankind in virtue of their race, how does it happen that a few nations of that race only have arrived at civilization, and that the Wallachians, Croatians, and many Sclavonians are sheer barbarians to this day? And how does it happen that the genuine Caucasians are no better? The fact is, people talk of the Caucasian race as they often do of France, England, Italy, when in reality they mean Paris, London, or Rome. . . . I believe in races as I believe in nations, families, and single brains, but I believe only in certain favorable elements which, under certain circumstances, can produce certain results; and no one can say what certain conditions of geographic and chronologic position, of intellectual succession, &c., &c., will produce. The Caucasian race has produced some great nations, but *very late* indeed. It is continually said that we have more brain. But if this had been so from the beginning, why then

did this brain not produce great effects before the Hindoo brain, the Egyptian brain? There is a great deal of idle talk now everywhere about this subject.

TO HIS WIFE.

July 30, 1850.

. . . I made the acquaintance of the Bishop of Jamaica at West Point, and he gives me so remarkable a picture of that island that I must renew the acquaintance this evening, for I saw him only for ten minutes. Far the most distinguished lawyer there, he tells me, is a dark mulatto, educated at Eton and Oxford, and married to the daughter of an Irish baronet. The vast majority in the legislature are blacks, and he has in his diocese five black clergymen who administer the communion to white people. Colored people — men and women — are frequently seen at balls, and always at the governor's *fêtes*. Some blacks who have been slaves are now in the legislature; and when I asked my lord bishop whether he felt strangely regarding these things, he said: "Why, sir, it would be imprudent and perhaps not Christian to acknowledge it. However, that state of things is not more strange to me than that I must often sit down here with shopkeepers, &c. These are prejudices of our education." He preached to us at West Point. . . .

TO G. S. HILLARD.

January 5, 1851.

. . . You are right in what you say of the Germans. The mandarinism of German governments has rendered the people incapable of *doing*. It is remarkable to see how those who come from Anglican countries, whether descendants of the race or not, and even distant people under a strong Anglican influence, know how to go to work. The people at the Cape Colony are dissatisfied; they elect a committee, and in four days they propose the fundamentals of a sound, good, working constitution; the negroes at Liberia declare themselves independent, with a constitution which works;

the Sandwich Islanders adopt a constitution, and the thing acts, — not over well, but still it acts; while the Germans discussed, at Frankfort, detail and sub-detail, and it melted again like snow. There is this difference between the English, French, and Germans: that the English only change what is necessary and as far as it is necessary; the French plunge into all sorts of novelties by whole masses, get into a chaos, see that they are fools, and retrace their steps as quickly, with a high degree of practical sense in all this unpracticability; the Germans attempt no change without first recurring to first principles and metaphysics beyond them, systematizing the smallest details in their minds; and when at last they mean to *apply* all their meditation, opportunity, with its wide and swift wings of a gull, is gone. A theory is far more important to them than a principle. Look at their jurists. How learned, and how destitute of all that is important in reality! You ask me about a saying of Southey's on cheap postage. Many years ago I wrote to a friend that the age of letters was gone, — I mean those Sevigné letters which form a branch of literature. Probably an epigrammatic note style will develop itself; but that letter which Southey speaks of has departed long ago. There was a time indeed — that of Bernouilli — when people developed whole sciences and philosophic systems by letters; but cheap printing has knocked that on the head. I do not complain. We must go on, and if we do what is right, other equally or more important things will develop themselves. Railway travelling is not romantic; but it is very romantic to be able to fly to countries and enjoy them, if otherwise you could never have seen them. And has not swiftness itself its poetry? I left Brussels in the morning; stopped at Malines and enjoyed the exquisite pictures; took the cars and stopped at Louvain and saw the Hôtel de Ville and the gallery; took the cars, flew through the Belgian garden and beheld the lacework of the Antwerp Cathedral in the moonshine. Was that not poetry? I am for cheap postage, even with the brief notes. To be sure, friends ought not to fall into them too early. . . .

I shall hail the three-cent postage, and you and I will stick to the quarto sheet, — at least, as long as we love each other, and that, I hope, will last forever. . . .

TO MISS DOROTHEA DIX.

January 12, 1851.

. . . As to an appointment under government, I cannot think of any office I should desire, except one which is not very likely to be given me, — a *chargé d'affaires*-ship at one of the northern courts, or, at any rate, in Europe. I have long wished it, in order to write a work which has long been in my mind; the Life and Times of William, the Founder of the Netherlands Republic, — the only parallel hero to Washington. They form a historic binary star. I can bring no additional force to an administration, and, withal, continue to be called a foreigner, although I have been an American citizen for a much longer time than it takes to be born here and arrive at the age of voting; although I have nursed and nurtured young Americans for many years, and have instructed them in their own Constitution, in politics, and public law; although my whole name — the little I have of it — is exclusively American, and my children were all born this side the water which divides republicanism from monarchy. I am an American by choice; others are so by chance. I came here because persecuted for liberty. But I am writing as if *you* had called me a foreigner, or as if it could be of any good to me to show that I am not, — that my heart has long learned to throb American pulsation, though my lips may still be refractory in wholly naturalizing themselves. But have not foreigners done good to this country, — Gallatin, Lafayette, Montgomery, Hamilton? Are not Irish considered natives? Again I fall into argumentation. . . .

TO CHARLES SUMNER.

February 22, 1851.

. . . I received the paper in which you have marked an article on a work treating of the Millennium of Civilization. All

ages of great stir and activity produce similar views and expectations, — the beginning of the Christian era, the first French Revolution; even the Mohammedans have had these periods. People frequently forget the fearfully retrogressive periods, *e.g.* a large part of the Middle Ages compared to antiquity, when men forgot even to try a criminal on any principle of sense, — forgot to write, to speak, and covered Europe with the black cloud of infamy, the witch-trials. And they fall into the additional error of taking the advancement of a very small portion of mankind, to which they happen to belong, for mankind altogether, — falling into the same error in which those persons frequently indulge that speak of the immense differences of races; while it is not the white race that stands pre-eminent in history, but only a few, very few, nations of that race, and those only in recent history; when the working out of barbarism into light belongs altogether to other races; and innumerable Caucasian tribes continue to live in begrimed, dark, and dull savagery, as the Croatians. What we have to do — and in doing which we cannot err, whatever the theory of perfectibility and millenniumism may be — is that we do earnestly, resolutely, purely, and wisely all we can to contribute our share to let truth and right shine brighter, wider, and warmer, each in his own way, his own sphere, and his own calling.

TO MRS. GEORGE TICKNOR.

April 30, 1851.

. . . You speak in sad terms of the state of things with you. And pray what shall we say here? You and we live indeed at the two ends which meet. It is not graceful to speak of politics with a lady, though I own these things are rather patriotics than politics. I believe, nevertheless, in the Union. That word is engraved and carved out on harder stuff than to allow of its being crushed by spouting furibunds at either end. Only it is a sad thing to know one's self floating on a plank in the midst of a turbulent stream of madness. I firmly believe that there is not one solitary truth, except

the multiplication table, which it has not become necessary periodically to prove over again, — no, not one. Look at the Rouges in France; in Massachusetts; in South Carolina. Why, within a fortnight a physician in our town gravely stated in the papers that vaccination had a good effect in warding off the small-pox. O Oxenstierna! O Oxenstierna! . . .

TO MR. HILLARD.

COLUMBIA, April 28, 1851.

I often find my *hora subseciva* on Sundays, as you know, my dear Hillard, but there is an additional reason for my writing to-day. . . . Has not every one in this life his one gnawing pain? There are a few exceptions. I have met with three or four very happy beings, and who felt themselves such; of course without it they could only have been fortunate, but not happy. Yet, to speak the truth, I have never seen thoroughly happy men (it is different with women) that were not of a rather limited mind or of a limited education, or that had not given up the life of action purposely for one of retirement and contemplation. Has there ever been a man of superior mind, who has studied the history of the past and that of his own time, who has been driven to act by the spirit within him, either in the world of knowledge and of science, or in performing some great deed, who has felt perfectly happy? I have never been able to understand two things of mediæval Catholicism, universally spread at the time. The one is, why, according to a thousand legends, the Devil should have taken such immense pains to catch a few single souls by contracts which gave him much trouble, when he knew perfectly well that millions of souls are all the time rushing into his embrace uninvited, unallured by him in any special, seductive manner. The other is, why so many people found it necessary to wear haircloth and torturing chains round their bodies, as if each man had not a prong in his side, — as if any man could laugh loud without feeling a stitch that pierces the heart! I know that pain is a per-

vading element — as much so as joy — in the household of the Creator, and thus will conclude this chapter. . . . Sumner and his friends have been carried too far. Fanaticism — by which I mean the madly carrying out one truth or principle to an extreme without reference to any other equally important — has never gained an ultimate victory, though often a battle, and has never planted, gathered, and blessed, but always embittered and ruined. I know that fanaticism is eminently selfish, however covertly it may be so, and I know that fanaticism delights in crying, *Audace*, *audace!* and forgets that it was Danton who screamed it from his foul mouth, and to what it led. All history, all life, all personal experience, teaches the one pervading lesson that we are good and great in proportion as we build, raise, unite, and as we manfully adopt the severe motto, *Quando non potest fieri quod vis, id velis quod possit*, which the noble Da Vinci made his own in his own Italian, *Chi non può quel che vuol, quel che può voglia.* But vanity, conceit, and smallness like their darling bed of Procrustes much better. . . .

TO CHARLES SUMNER.

Columbia, 20 May, 1851.

Ever since I had the information, my dear Sumner, that you had been elected Senator, I felt how natural it would be for me to write you, yet I was prevented from doing so: partly I did, indeed, not know whether a letter, mailed here to you, would ever reach you; partly, I cannot, and if worlds depended upon it, be a hypocrite. Yet, it is true, I do not rejoice at your election. Believe me, my old and dear friend, that I feel it very bitterly not to be able freely and fully to rejoice when for the first time "one of the family" rises to high honors. But I cannot. I neither believe that your election is a thing to be rejoiced at for yourself, nor will it be so, as far as my vision reaches, in some other respects. My opinion is not worth much, but I have stated it only to explain my own doings or omissions. You know as well as any one, or better, that I shall always take the deepest in-

terest in all that touches you. My feeling toward you has never altered since that day when Story brought us together; and you may depend upon it as long as life lasts in me. I believe I can say secession is dead — at least, dying; but I cannot say what labor and anxiety it has cost us, and will long cost us, often increased to a fearful degree by doings in other regions. I send you a copy of a paper of mine, the Abuses of Pardon, which I wrote nearly three years ago, as the chairman of a committee appointed on the subject by the meeting of the Friends of Prison Discipline, at which I was not present. Perhaps it is worth reprinting; I believe it is. I thank you for the pamphlets on the Woman's Rights Convention.

TO G. S. HILLARD.

Columbia, May, 1851.

My dear Hillard, — I send by this mail a copy of the "National Intelligencer," which contains a paper of mine on Pardoning and its Abuses. . . . The history of the paper is this: In 1848 I was appointed by the meeting of the Friends of Prison Discipline at New York, at which I was not present, chairman of a committee on the Pardoning Privilege and its Abuses. I wrote the report, and it was read at the meeting of the Friends at Philadelphia, from which I again was absent. These meetings always take place when our vacations have not yet begun. The paper, as you see, was incorporated in the report of the New York Prison Society, which I believe is always printed by the legislature. Probably it was given to some apprentice, for you have no idea of the mangling and bruising I have undergone in the hands of that outrageous *devil*. Should you not get it printed, for which I should be sorry, I would beg you to give the copy to Greenleaf.

Miss Dix has been with us again, and to-morrow she leaves us for good. What a wonder! what a hero! Her health is far from being good, and now that the warm weather has really set in, I believe she will be compelled to seek a milder

climate farther north, and to give up her trip to Alabama, where her presence, nevertheless, is very necessary to the passing of a hospital bill; so they write her. Her body is very frail, — at least, here. She is exhausted and feverish. I always fear to hear that she has succumbed somewhere in a lonely place. May God protect her! How different is the sterling doing of that woman from all the Free-soil froth and embittered passion! Over the whole breadth and length of this land are her footsteps; and where she steps, flowers of the richest odor of humanity are sprouting and blooming as on an angel's path. I have the highest veneration for her heart and will and head. She always speaks of you in affectionate terms. You have seen what *our* crazies have been doing. Do you not often understand how it happened that so many people, and of the best, sought the still monastery, sadly sickened with everything around them? Do you not say I am right when I say, what I have often stated, that, short of the multiplication-table, there is no truth and no fact which must not be proved over again, as if it had never been proved, from time to time?

I know it to be a *fact* — but the manner in which I have come to know it is such that I can only communicate it to you in confidence — that the leading Secessionists are so wicked and so asinine that they expect to ally the free and independent *nation* of South Carolina (I have proposed Rhettsylvania as the best name) with Great Britain, and know that the alliance of so puny a State with so mighty a one can only be a dependency, a colonial vassalage. But they are so crazed that they will rather sink to the bottom, provided they can drag down the North, which they believe in their execrable fury they can do! Mr. Barnwell said lately, in my presence, that the great problem which God has assigned to the South, and now especially to South Carolina, is the preservation of slavery. My God! And this by an alliance with the leading abolition power! And mark, this Barnwell is a good man as the world goes, — kind, charitable, honorable. Are we dreaming or waking?

We are trying now to form a *party* of Anti-secessionists. We cannot find yet who shall place himself at the head. South Carolina is dreadfully poor in men. Miss Dix tells me that, in the strictest spirit of truth, she has found South Carolina far, *far* behind *any* other State, far behind the west of Missouri. This is natural. It is always so with grumblers by profession. Every son of a fool here is a great statesman meditating on the relations of State sovereignty to the United States government; but as to roads, common schools, glass in the windows, food besides salt meat, as to cheerily joining in the general chorus of progress, what is that for Don Ranudo de Colobrados of South Carolina, — out at elbows, to be sure; but, then, what of that? Does he not belong to the *chivāl'ry* (do not pronounce *chiv'alry;* no one here says so, and surely we must know; who else should?) of South Caarol-i-nar?

It is disgusting.

TO MRS. GEORGE TICKNOR.

June 28, 1851.

. . . Tell Mr. Ticknor that Secession is dying. Even our governor, a very furibund and very stupid fellow, has acknowledged to Mr. Preston, who repeated it to me, that this time Secession would not go. This is *entre nous*. The next phase will be to drum and fife Southern secession or separation, people imagining that our Union is like a tabular cake of chocolate, of which squares or parts may be broken with ease, according to the grooved lines impressed by the very mould. But that will pass, too, in spite of Secessionists and Abolitionists. What shall I say about Humboldt's Letters? He sent me his "Correspondence with Schiller," and the book you mention I believe I never saw. I wonder whether the lady is a Mrs. De Wollzogen, aunt to Anna Niebuhr, a very, very dear friend of mine, the wife of Marcus Niebuhr, son of *the* Niebuhr. Schiller wrote many letters to her. I do not mean Schiller's wife. As to William von Humboldt's character, I can only say that he was a minister who did not suit

Frederic William III., because he was too liberal for him; besides, he was a man in whom, as in all men of genius of that time, the learning and the æsthetical element preponderated over the strictly ethical, jural, or religious elements. But the Humboldts will ever be a couple of *gemini* in the zodiac of humanity, — great, lustrous, lasting, — a couple of names to which every one must recur, and which every one will meet with in tracing progressive civilization. . . .

In the following letter he refers to a paragraph he had sent to a newspaper concerning the exaggerated statements of the popular vote in France in favor of Louis Napoleon.

TO CHARLES SUMNER.

COLUMBIA, March 9, 1852.

. . . Everything that has since transpired — for instance, the vote in Algeria — not only confirms what I have said, but shows that I was below the mark. Why, from the year 1825 to 1843 there were one hundred thousand people daily kept in the hospitals, counting the great number of insane, and one hundred thousand in prison for various offences. This alone makes up three hundred thousand that *cannot* vote. In our late highly excited election, when the question in South Carolina was Secession or No Secession, only two thirds of the qualified voters actually went to the polls. I very much doubt whether you can ever bring more than two thirds to the polls, if the election extends over a large surface, and where universal suffrage exists. . . .

By the way, of course the Protectionists here will feel encouraged because they will lift their heads, for a very short time, in England; but although I have always said that the free-trade battle is to be fought over again, there are many battles in history which are decided long before the day of strife, and the victory is certain, even though the wreath passes on the day of fight to the brow of the opponent. The battle of free-trade is one of these.

TO G. S. HILLARD.

December, 1852.

. . . I have read with much delight, and occasional edification, your speech on Webster. . . . Your task was a difficult one. You could not speak freely of Webster's deficiencies, the most prominent of which, perhaps, was that while he had no instinct for the massive movements of his kind (which, among other things, prevented him from becoming a leader, an originator, a conceiver, — like Clay, for instance, — and made him always greatest when he battled down a proposition or was its champion), he had, on the other hand, no eye or heart or action for the embryo elements of the new day.

I have never forgotten what De Tocqueville said to me when I met him coming from his first interview with Webster. The Frenchman had heard a great deal of Webster, and of course was most anxious to converse with him on prison discipline; but Webster paid no attention to the subject, said that it was all useless to try to reform criminals. He took, as De Tocqueville thought, a very common lawyer view of the whole; and, added he, "Webster, like thousands of statesmen, cares only for power." I do not say that Webster was exactly as he had appeared in that one conversation, in which he had fairly displeased De Tocqueville; but he had not, as it seems to me, that greatest and rarest of qualities of a statesman or a ruler, — a union of the sense of power with the naturalist's perception of the pulsations of life, — typified, possibly, in Charlemagne in the highest degree — he who conceived the great idea of normal schools and normal farms while beating back the hordes in Hungary. . . .

TO G. S. HILLARD.

Columbia, S. C., January 11, 1853.

Soon after I wrote my last letter to you, my dear Hillard, I was taken ill again, and worse than the first time. I was threatened with a brain fever, and suffered much from an ever active, keenly working, though not delirious, brain. It

was against my anxious wish and will, but I could not help it. There was a complete dualism within me; and if I were to be killed I could not say where my identity, my real *ego*, was. Was it my thinking brain which would classify even the different pains it suffered? or was it my soul, or whatever else, longing for one hour's repose? I am now slowly recovering. I feel weak, and am not yet my whole self again. . . .

TO G. S. HILLARD.

COLUMBIA, S. C., February 3, 1853.

. . . Apropos of slavery: "Uncle Tom's Cabin" sells here rapidly. One bookseller tells me that he cannot supply the demand with sufficient rapidity. Our papers have coined a word — *Uncle-Tomitude* — to sneer at the sympathy with the African. The fact is not a bad proof of the hold which the book takes. But you are right as to what you say about the address of the English duchesses and marchionesses. I think it a very poor argument — a favorite one here — to answer attacks on slavery by saying, "Look at your paupers." As if pauperism were an institution! But when the women of one country presume thus to meddle with the feelings of another, one cannot help thinking of the heart-rending accounts of Mayhew's "London Labor and the Poor." Did those duchesses meet and consult when all that sorrow, suffering, filth, and vice were laid bare? To be sure, no one said, "All this is a social, moral, and political blessing," as Foote called slavery in the Senate; but did they energetically go to work to do their utmost to alleviate those crying evils and horrors? . . .

TO MRS. GEORGE TICKNOR.

COLUMBIA, S. C., April 17, 1853.

Your rich letter, my dear Mrs. Ticknor, reached us on the same day that we read your legislature would pay fifty thousand dollars to the Charlestown Catholics; and the one and the other were a real delight. It does one's heart good to see a right act, and it does one's heart good to receive a graceful,

substantial, wide, and warm letter, — a letter that is full of itself, and full between the lines. I wish I could substantially thank you; for instance, I wish I could send you the large basket which was sent this morning to us with a crowd of the choicest roses, — white, yellow, red, cream-colored, salmon, blushing, full-blown, buds, half-blown, like a joyous mob of riotous, sweet, little girls, who, in this respect, are very much like flowers. Tumble them as you choose, they are always graceful. But the basket was still more substantial. All that floral turmoil rested on the material basis of closely packed, golden, hard and crisp heads of lettuce, crying like little self-denying martyrs for oil and vinegar. You must know that this year's season is very late, but warm rains have suddenly called a world of floral and culinary brightness into existence; while the mocking-birds lustily warble, and such a host of sparrows twitter that it reminds one more of a stream of joyful sound than of a compound of little utterances. They sing and twitter as if they were obliged to make up as fast as they can for the lost time.

. . . I have always flowers on my writing-table, and if not flowers, for instance in winter, at least a green branch; and of late a student, a fine lad, the son of Judge Preston, who lately perished in Louisiana, having seen this, has repeatedly brought me roses. This is very refreshing. Our students are generally so *hölzern*. It reminds me of the impression which it made upon me when I was in Berlin the last time, and found that on the birthday of Doctor Neander, the theologian of vast learning and of a vast soul, the students had decorated his whole lecture-room with wreaths and bouquets. I can understand what you must have felt in copying Mr. Webster's letters, — spelling his soul letter by letter. This induces me to ask Mr. Ticknor a question, which he will pardon me, when he considers that I am an old fellow of the trade. Would it not be well to have out the Life and Correspondence of Daniel Webster as soon as possible? The lives of distinguished men, it strikes me, ought to be published, either long, very long after them, generations later,

when they must be treated in a purely historical way, as we would write now the Life of a Luther, — or else very soon after their departure. It is not only that every month diminishes the eagerness of seizing upon it, even though the man has been a Webster; but we are living in such a hurry, and must step over such hills of books daily increasing, and history as it rushes past us claims our attention so constantly and variedly, that the capacity of receiving and of linking each passage in the book with facts and features yet fresh in the soul of the public, diminishes daily. I told the heirs of Mr. Calhoun this, and the facts are proving that I was right.

The book does not sell. I know that Mr. Webster's Life will be more generally interesting than the first volume of Mr. Calhoun's Works (the only yet published), but proportionally my judgment would hold. I know Mr. Ticknor and the other gentlemen will pardon me. I only speak as one of the public, but as such my opinion may be worth considering. . . .

I have not yet read Thackeray's "Snobs." There I think he must be great.

Oh, what snobbery we might write of in America! You do not know, and cannot know, American snobs half as well as I do. There is the patriotic snob, the political snob, the abolitionist snob, the Southern snob, the Calvinistic snob, the polished-furniture snob, the chivalric and lady's-servant snob, the lawyer snob. I sometimes think that in a better, purer, and clearer state, after this life, we shall say to one another: "You remember when we met down in the Snobbery," &c. Were not many of the Pharisees regular snobs?

TO G. S. HILLARD.

COLUMBIA, S. C., April, 1853.

It occurred to me this moment, my dear Hillard, that you asked me in one of your letters what impression the English enthusiasm for "Uncle Tom" had upon the South. . . . It has produced no effect at all, and this must be accounted for in this way. I have told you on some previous occasion that the ill-feeling against the North on the part of those Southern-

ers, who are the leaders of the malecontents, is owing in a great measure to the *malaise* which is always felt in a period in which the centre of power, or influence, or the hegemonia, is removed,—when wealth, population, knowledge, renown, or anything that is power, shifts. This is the case with the South. You might say, indeed: Why, then, does not the South show an equal and still greater ill-feeling to the West? I answer: Because the Southerner considered himself the lordly land-owner, the aristocrat before, at, and after the Revolution, and was in the habit of treating the Yankee as the busy, clever yet vastly inferior shopkeeper and trader, and he feels it very hard to acknowledge that the despised North should rise above his section. Exactly the same has happened again and again in history. It was a very hard struggle in Germany, and required fierce and protracted contention before the cities could make the noblemen acknowledge them. But in the same degree as the South — or I should say, rather, those of the South of whom I speak — feel nettled at the North, they look with fondness toward England; that is to say, England, not as she is, but as they imagine her. This is not only a political feeling; it extends to literature, to language, to everything. Why, would you believe it? at the time when secession ran highest here, — secession, which avowedly arose out of the antislavery movements of the North, — a then leading man of South Carolina, Mr. Memminger, made a long, vituperative, and infamous speech against the North, in the legislature, and in the same degree praised England, whence all the antislavery movement had come, and declared that he would most gladly see Carolina become again a colony of Great Britain rather than continue chained to the North, where no gentleman existed. Thank God, the speeches in our legislature are not reported!

Nor must you forget that all feelings of the South toward the North are of practical importance. Those toward England are theoretical. Frederic the Great allowed Kant to utter the most republican ideas; the King himself uttered them. Why not? It was all the blue vapor of theory. Now, Kant would be clapped into jail at once. To praise England here

ne tire pas de consequence. And, then, the English enthusiasm or furore about "Uncle Tom" is very little known here. It is too impartial an opinion. Newspapers do not like to publish it. I have nowhere seen it stated that an immense edition of "Uncle Tom" prepared for Sunday-schools has been published in England. Yet, what fact could be more striking? . . .

TO G. S. HILLARD.

COLUMBIA, S. C., May 29, 1853.

Fear not, my dear Hillard, that I mean again to impose some trouble upon you. I merely write this note to let you know the end — as I suppose it will be — of the correspondence with Sumner. I had a letter from him last night written in such a style, and repeating such things from his first letter, that I have concluded not to reply. There would be no end were I to try putting him right. He writes besides in a style a little *de haut en bas*, as it seems to me, and using the very offensive expression: "If you are no apologist of slavery, I am right glad," &c. I do not believe that he intends to insult me, — I candidly believe it, — but it produces a similar effect.

I have written this to you merely to put you *au fait*. I cannot help thinking you will acknowledge that in this correspondence I have honestly endeavored to restrict the whole to the fact at issue, and to a grievance relating to myself. I have not even alluded to anything I may disapprove in Sumner generally. Something worried me, and I have begged him to stop it. I have written cautiously and guardedly, yet the whole amounts virtually, I suppose, to a temporary interruption. I must take this as we must take a great deal in this sad life of ours.

Only so much is certain, that of all persons I know I am one of the most tenacious in friendship. I do not easily give up a friend. But, then, I ask myself, how, for instance, would Sumner stand to Story were he living? The tree of our friendship has begun to show yellow leaves ever since Sumner's speech on War. If there be any fault in me I am sorry. But you prohibit crowing, and justly. . . .

TO G. S. HILLARD.

COLUMBIA, S. C., June 7, 1853.

Many hearty thanks, dear Hillard, for your *good* letter. I believe I told you that I had another letter from Sumner, to which I shall not reply. It is useless. I know he considers such silence as admission of charges, but I cannot help it. . . .

TO G. S. HILLARD.

COLUMBIA, S. C., June 29, 1853.

MY DEAR HILLARD, — I have never been more vexed by printer or editor than lately, when Mr. De Bow sent me the number of his Review, in which I found an article of mine mangled and ruined by the worst of misprints and impertinent substitutions. Imagine, in one case, he, or some one, substituted *Abolitionists* for *Secessionists!* I want you to keep this letter; may be, some day I shall be obliged to refer to it. It is outrageous! And that at a time when Sumner has just patted me for my having declared to him that I am not an apologist of slavery. . . .

Do you know that it requires time and some effort for me to get over the Sumner business. I think his saying that thing to *me*, and *his* saying it, — and afterwards not to say at once "I am sorry," but to tell me that *if* I am not an apologist, &c. he is "right glad," reminding me that in my earlier days I was vowed to liberty, — is very strong. You have several times said in my presence that "it takes many people to make up a world;" but must not every one add, "and many days to make up a life"? However, as you indicated, I must get over it. . . .

After having attended to the publication of his "Civil Liberty" in Philadelphia, Lieber went, September, 1853, to see his son Hamilton, at Avon, on one of Mr. Wadsworth's farms. He wrote thence to his wife: —

. . . My days in Albany were delightful. Able men, merry, late dinners, choice wines, and sprightly conversation!

I have been introduced to several persons who wished to know me on account of my book, — both slavery and anti-slavery men. . . . Mrs. Agassiz is a very sweet woman. They want us to pay them a visit when we leave the South. . . . There will be something of mine on International Standards, in the "New York Herald." Bonner insists upon my staying altogether with him. Mr. Pruyn says he never will pay me a dividend of the Central Railway, of which he is director, if I do not come straight to his house when at Albany. I love that man, and his way of doing things, and — his cook. I have eaten lobster cutlets there, for the first time. Why, Neptune himself could not have helped smacking his lips, though robbed of the lobsters. . . . Did I tell you that Bishop Potter, one of the trustees of Columbia College, when we took wine together at Mr. Pruyn's, said, "May I have the pleasure of seeing you at New York permanently?" I became also well acquainted with Mr. Gladstone, a fine, cultivated young Englishman. Excuse my letter. It is the rag-bag type. . . .

On returning to New York, on the 10th of September, Lieber met with a serious accident, which detained him over a week, and made it necessary for his son Hamilton to accompany him to Philadelphia. He says: —

The whole difficulty is that a tendon uniting the upper muscle of the thigh to the lower leg has been wrenched and extended, and tendons contract only very slowly. . . . I dare say it will be the work of a month or more, and then I shall be ready for a mazurka with you. In the mean time my soul has received no wrench. I love you all dearly. I have read in my book, and feel that the thoughts are substantial, comprehensive, and manly. I know that I shall be acknowledged by high authorities, and that my book will be cited years hence; but whether it will have an extensive sale is another matter. A book, to sell largely, if it be at all speculative, must fall in with the common views.

TO G. S. HILLARD.

COLUMBIA, S. C., October 12, 1853.

. . . As to my own book ["Civil Liberty and Self-Government"], I have heard nothing of it, except a note from ——, which was flat; a letter from my friend Miles, enthusiastically warm; and one newspaper article in the "Charleston Courier," which was kind. My evenings have hardly ever passed so letterless as since my return; and, as I wrote to some one lately, I appear to myself much like a turtle, which crawls out of the sea, deposits her eggs on shore, and crawls back again, not knowing what becomes of the eggs. I forgot. My publisher sent me an article of the "Boston Traveller," in which I am placed by the side of "Mr. Goodrich," the author of "Lectures on Government." For goodness' sake, I hope it is not Peter Parley! . . .

TO G. S. HILLARD.

COLUMBIA, November 29, 1853.

. . . Lippincott writes me that early next year we must publish a second edition of "Liberty and Self-Government." I shall try to improve it much. Would that I could have conversations with you. . . . I shall consider it a real service of friendship if, as you propose, you write a few substantial words on my book; but not before you have read the whole. You ask for some points. I would rather you mentioned what you find yourself. However, I can say this: Liberty has never before been thus treated, — I mean by analyzing the amount of actual liberty enjoyed by free nations. The English have written on the Constitution; I have ascertained and treated of the elements; and in doing this, I have given many new subjects, *e. g.* the principle that every officer remains answerable for what he does. The idea of Anglican Liberty is my own. The whole of Institutional Liberty and the essays on the Institution are original. Perhaps I unite more a philosophical and historical spirit than any of my predecessors, Aristotle excepted; though the historical spirit

in him could only show itself as one of grasping reality. Of this I am plainly conscious: that my book, good or bad, forms a distinct link, following after Islangieri. There are some dicta to which I should like to draw my friends' attention, for they have given me pleasure; *e. g.* when I call eloquence the Æsthetics of Liberty, or when I say, some love Liberty like a mistress, some like an old granny, but that we are wedded to her for better and for worse, in lawful and indissoluble wedlock. . . .

FROM E. S. CREASY.

London, December 12, 1853.

Dear Sir, — Pray accept my thanks for the kind present of your valuable work on "Civil Liberty and Self-Government." I esteem highly the compliment of a presentation copy from such an author. I have already carefully read your work, and profited by its contents as a thinker, a writer, and a lecturer. I have caught from it a leading idea of infinite importance for the course of lectures on Ancient History which I am now delivering at University College. It is this: Test the value of a particular nation's history, and the amount of study that you should devote to it, by the degree of institutional energy which that nation has displayed. I mean, permanent *national* institutional energy, — not the energy of a few men and of a single age, such as the energy must have been by which the institutions of Egypt, India, and other Oriental empires were moulded, cast, and left stereotyped, without the vital power of change or expansion. It is the history of nations of permanent institutional energy (like the Roman) which is peculiarly the proper object of study for Englishmen and for Anglo-Americans. That history alone to us is "philosophy teaching by examples."

Add one test more, which applies to us rather as men than as citizens, — What is the amount of intellectual activity that the members of each nation have displayed? — and I believe we have a sound rule for the selection of historical topics. I place the first test as the most important; but the

combined result of the two is to be watched. It is by the *two* that I am led to place Athenian history highest of all.

Excuse this little disquisition, of which your own book is the *causa causatrix*. I hope you will gratify me by accepting copies of two of my works, which Mr. Bentley will forward to you.

TO G. S. HILLARD.

COLUMBIA, S. C., January 15, 1854.

I am a very bold man, dear Hillard. I have taken a large, old-fashioned sheet, yet I do not know the first subject about which I shall write to you. The fact is, my knee does not yet allow me to go to church; here I sit in my den, and somehow or other I feel always drawn to you on Sundays. It seems as natural as it would be for me just to look in upon you, were I passing your legal cavern, without object or interest, but just to say: "Well, old fellow, how are you today?" It is but the ever-active processes of our soul, — the desire of propinquity where affection animates, and the desire to exteriorize (*salva venia*) our feelings and thoughts, that desire or yearning to which the mail owes many a schoolmiss's letter, and mankind a cathedral, an oratorio, a Pindaric ode. . . . I am anxious to hear how you find your new work, as to amount and matter. Let me entreat you, my dear Hillard, not to allow any *dégoût* too easily to affect you. There is dirt in many Roman streets, yet I saw you had visited the Ghetto. Noble animals have thin skins. Racehorses always shiver. Yet, do what we may, we cannot go through life, and be working men, without putting on a strong hide, or else get the back thickened by the very lashes which practical life does not fail to inflict on every mother's son. There is no other choice in this nether world. Either we must become in a sort a pachydermaton, or else Torquato Tassos. You see, Sunday has thrown me into a preaching mood. We have here one of the finest specimens of Yankee, — Gould the astronomer, whom the Clover-Den at Cambridge has spared for a time to determine (in the Coast Sur-

vey) our meridian. I am so happy. I had thought our poor Columbia had no meridian at all. Gould is full of life; observes the stars till three and four in the morning; sleeps until ten or eleven; discusses or jokes, puns and funs at our dinner or tea table; and returns to his everlasting stars. He is a godsend to us. He refreshes me. He proves that I have not yet lost all words, and that *je suis encore amusable*, of which old Maintenon despaired with her Louis le Grand. . . .

TO G. S. HILLARD.

COLUMBIA, February, 1854.

. . . Let us consider the Nebraska movement exclusively in the light of statesmanship, or of Southern statesmanship. If the bill does not pass it will be very injurious to the South. If the bill passes — and I believe it will — it will be still more injurious to the South, which ought never to tear down the Missouri Compromise. The South forgets that the whole movement of history is against slavery, and the only firm footing they could get was a positive barrier; this is especially true of a distinct pact which two parties had concluded. This they destroy, and now the whole field lies open for renewed and greatly increased agitation. Besides, I cannot help thinking that, the Nebraska bill once passed, many Northerners, neither Abolitionists nor Free-soilers, will become strong anti-Southerners. I cannot see how people can be so blind. Yet William Preston is the only man to whom I have expressed my opinion, or could express it. All this brings out more and more my distinct idea to remove. The desire cannot come out more strongly. It is curious, in so far as I have never been more beloved by the students than now. They seem to think I am something, and feel toward me as friends. Your article on my "Civil Liberty" has been copied here by some country papers, and it has heightened their feeling toward me still more. But all this does not blind me. I know, if I remove to the North without having there any distinct occupation, I shall not feel *comme il faut;* that, however, does not alter my desire. . . .

TO MRS. GEORGE TICKNOR.

COLUMBIA, March 18, 1854.

"Es ist mir alles eins,
'S ist mir alles eins,"

Is the beginning of a common German song, of which I have not thought, perhaps, these twenty years, but which suddenly dropped into my mind just now, after I had reflected for a moment whether I was an epistolary creditor or debtor according to our ledger. Perhaps you owe me a letter, perhaps I owe you one; no matter, dear Mrs. Ticknor, I have to write on three, say four, things. And first: I have heard that you have spoken behind my back, very kindly, to a very dear friend of ours, whom we always call *Aguella nostra*. Thank you for the character. And second: this, my birthday, is beyond description fine. We have had it fearfully hot here. When Gould — my Gould, our Gould (have you seen what Humboldt said of him the other day?) — left some nights ago his astronomical shanty, at three in the morning, his thermometer was 82°. *C'est un peu fort pour le mois de Mars.* But last night we had a thunder-shower. The air is clear as Ruysdale's, and so deliciously cool — I suppose about 68° or 70°, I have not yet looked — that I feel as if I could make verses by the yard.

A young friend of mine, and exquisite singer (whom Sontag and Badiali want to go to Bologna or the Conservatoire), has just left me. She has begged me to give her lessons in Italian, for which I make her pay each time in two songs. The other day John Preston came in when I was deep in *ci* and *vi* and *gli* and *glielo*, and, hearing how Ellen had to pay me, he said, "Oh, she pays in notes!" This I told Gould, who added, "Yes, I suppose you would prefer bills." The lesson to-day was as fresh as any lesson ever given by any teacher to any pupil; I felt a little Romanesque. When in Rome I bought a small *cahier* of *vedute*, &c., of Rome. In this was an engraving of the Teatro Marcello, or Palazzo Corsini, where Niebuhr lived, and I with him. The engraving shows

the very window of the room I occupied. I then — in 1822 — wrote under it: "In questa rovina retrovai la vita," and the other day, the book passing through my hands, I tore out the plate and had it framed. I hung it near where I usually write, under the portrait of my benefactor Niebuhr. I had written, however, in another corner of the engraving, some words reminding me that I had it framed in the *primavera di* 1854. . . .

And third: I had some very grateful letters lately from Europe, on my "Civil Liberty." The one that gave me the greatest delight was from Mittermaier. I sent a translation to Hillard. And fourth: when will that book on the Constitution of the United States, by Mr. Curtis, be published? I am very anxious to see it. There is a confusion in my mind about the Curtis. One is Judge. One sent me once a speech in which he made so honorable a mention of me that I felt almost elated. Is he the same? Please clear up this confusion. There are two, I know. Which is which? Alas! a book on our good and noble Constitution, and parallel to it that nefarious Nebraska Bill, which I conscientiously believe was begotten in wickedness and will prove the most mischievous bantling. The South flies to it as moths to the candle. It will recoil on that very South with fearful violence. *C'est entre nous*, but it is my most solemn conviction. It makes me cry out the louder: "Away from here." Or, will the bill not pass the house? I fear it will, and it will be so because the *North* carries it! I return to my items. And fifth: in about half an hour a whole coachful of little girls, all from the Preston house, will pay me a visit. They promised me a basketful of flowers if I would show them my lecture-room. *Apropos* of the lecture-room: some time ago I had occasion to tell the Juniors that they came to college to learn not for the college but for life, and old Seneca's words occurred to me, *Non scholæ discimus, sed vitæ*, "We do not learn for the school but for life." This idea fastened on my mind, and I had made a tablet with these words: *Non Scholæ sed Vitæ: Vitæ Utrique*, "Not for the school but for life: the

life here and hereafter." It is very well painted like granite, the letters cut in the stone. Now this tablet is fastened against the wall right over Washington's bust, and this bust is right over my head when I lecture. I have many busts in my lecture-room, each new class contributing one or two. . . .

TO G. S. HILLARD.

COLUMBIA, April, 1854.

MY OWN HILLARD, — "Take a letter to the post and you will get one," might be a proverb if the experience of others resembles mine. On Saturday, when I had dropped your letter into the box, I received your kind missive, which I prefer to answer at once. It was accompanied by a letter from my excellent Gould. That luxurious living of planters, of which he speaks, is very exceptional, — very mediæval, and very coarse in general. Preston's makes an exception, but then the salt, I mean the Attic, is wanting.

As to the Lieber Emancipation Society, I have long given up all idea of ever being removed, and only look out for removing myself so soon as I have the means. There was a time when the boldest combinations did not appear to me too bold; it is past. In this I feel old. William Preston wrote home from the North last year, "They cannot understand here how we can keep Lieber in our parts." The matter is very simple: because they give me the means to support my family. There is no use in talking about that thing now. I shall soon have spent twenty years in this region. It would be folly to speak of anything after that, except of the misspent life. If you do not become intimate with Gould, lovingly intimate, I shall call you, or him, or both of you, unpardonable broomsticks. . . .

TUESDAY, April 18, 1854.

This letter was not carried to the post-office, and this morning we have the declaration of war [the Crimean] in the papers. This reminded me of my omitting to reply to what you have

said about the Turks and Russians. I neither have any, the slightest, enthusiasm for the Turks. They are a coarse race, without history, if history means anything more than a chronicle of fights, and that sort of thing. That remnant of Grecian civilization which rekindled the light of culture in the West was unable to evoke a single noble effort in them. But though I have no enthusiasm for those occupants of Europe's finest garden, I have a very strong hatred against the Russians; and I hope, now that the war has begun, it will be sufficiently long and arduous to end in a thorough cropping of that beastly colossus. Besides, though an economist, who knows that war can never increase wealth; though a publicist, who knows that peace is the normal state of man; though a Christian, who knows the message of the energizing love of the gospel, I am no vilifier of war under all circumstances. The worst state is that in which men are materially well off, and in which the reminiscences of great ideas, rather than great ideas themselves, lead men to squabble instead of wrestling in the great fight. I think a great war will have the tendency to range the Europeans in great masses.

The enthusiasm for the Turks is a mere crying, "Red, Red," because the people have good reason to hate Black; but what really pains me is the evident general good feeling for Louis Napoleon in England. It is disgraceful to England, even under these circumstances. It is so unEnglish to repeat and retrumpet a word of that crowned scamp, and call his speech, "The age of conquest is past," a noble dictum, and all that. Fudge! the age of conquest is not past, as we shall presently see; and whether he says so or not is not worth the snap of a finger. I thought that the English could not be caught, even in excited times, by lamp-lights and political pirouettes.

If anything is worthless, it is proclaiming sentences of this kind. They are even less to be depended upon than dying speeches on the scaffold.

TO G. S. HILLARD.

Columbia, April 23, 1854.

Will you be so good as to tell me, in your next letter, which edition of Burns is the best? I want fair print, complete collection, and good glossary, — a table edition, not a shelf edition. I think you understand what I mean. Burns is to me an unspeakably lovely, tender, and soulful poet. I like to have him by me — hand in hand, as sweethearts sit — and I wish an edition accordingly. Not one to refer to, but one to take up at an idle moment. Solve me the following phenomenon: when I was young I could never read Plutarch without a heart big with tears; not that the things related called for tears, — the frame of mind that sterling book put me into was one of *Wehmuth*, and painful longing. Now the scene is shifted. It is Burns that affects me thus. I can hardly read a line of his without that joy-pain, that soothing grief, which fills the heart of man in such thousand different degrees on this earth, from the feeling evoked by the very first tiny white floweret in spring, to that which overwhelms the soul when we read for the thousandth time the Sermon on the Mount.

Raptured Plato knew this feeling — this joy-pain — well, and speaks of it, not as the ancient Greek, but with a swelling soul. . . .

Have you not observed how paltry a part Germany plays again in the present juncture of affairs? Can you not imagine how deeply a native German must feel again that bitter truth which envenoms his whole life, the sad historic fact that Germany has been cheated out of her noble birthright of being a great and manly nation, — that God called her to be one of the disposing earthly gods, when they sit in council and determine history, but that man made her a waiting-servant? It is not right that institutional England must so closely unite with a mere hierarchy of officials called France, to stem the Russian tide. England and a united Germany would have been a natural alliance, a lawful wedlock. . . .

You speak in your last letter of Mittermaier's sadness. Do you know that as early as in the year 1821 — I remember the year well because other reminiscences are entwined with it — I wrote to a friend on the deep effect which the study of the history of our country has on an earnest man's whole frame of mind. I viewed the general effect of the history of the different countries; and I recollect that I wound up with saying that it seemed to me that the contemplation of English history must be most strengthening for an Englishman, and that it was an ineffable blessing for him that he still lives an active life in many institutions which, nevertheless, run back to his remotest periods, that he plucks juicy grapes from living vines on trellis-work many hundred years old, — while the infallible effect of a deep study of German history on a German mind is sadness. No wonder the Germans are called a melancholy nation. The Germans move and act — oh, yes! they are no idlers, but they move and act under a national pall. . . .

TO G. S. HILLARD.

COLUMBIA, S. C., May 26, 1854.

Am I not right, my dear Hillard, if I say that antislavery feelings and convictions are fast assuming in the North that substance which makes a conviction rather a part of the character of a man than a mere basis of discussion? Am I not right, in your opinion, when I say, as I have said to my friends that asked me about it, that the passage of the Nebraska Bill will have the effect of "let us start again," with this difference, that the North comes to the race-ground with very different resolutions and powers? The great evil of republics is the political-auction system. To be sure, the outbidding exists wherever masses and freedom of action exists. Indeed we have it naturally at courts too, — Essex and Raleigh bid for Elizabeth. Douglas offered so much, and he will have the empire, — at least, if the bill passes. Shame, shame upon the North! Look at the votes, and see how easily the passage of the bill might have been stopped. . . .

TO PRIVY-COUNCILLOR MITTERMAIER.

COLUMBIA, S. C., May 16, 1854.

. . . So Bunsen has at last been forced out of his position. . . . You know, my dear friend, how long this "clergyman's son" was an eyesore to the Prussian *noblesse*. A fine *noblesse* indeed! And now there is the welcome chance of an alliance with Russia. What has become of the royal babble about a "German policy," — about "a chivalrous German nationality," which is now ready to unite with Russia against England? In early manhood I once wrote to a friend that I considered it the highest blessing if a man could study the history of his country with pleasure and with pride, and live among institutions which lead him back to the earliest history of his country, as is the case with an Englishman. It is a fountain of manliness. And it is a crushing burden if the earnest study of the history of one's own people can only fill the heart with grief. We are a disappointed people, and the present condition and conduct of Germany is disgraceful. It is disgraceful that German princes can *reign* without being the exponents of the true popular will. If any one would give an exact description of the present German polity without reference to individuals, — just as Plato wrote his Republic, — it would be considered the most absurd proceeding of a madman. Why do I write all this? Good heavens! What else remains to a thinking and feeling German than to weep over his disgrace; and, although no Bill of Rights has given him the privilege, why should he not bewail with a friend the common misfortune, and unburden a heavy heart? Is it not clear to your mind that an alliance between England and France is unnatural, while the alliance of Germany and England would be the natural one, if we had but a united Germany? Well, you know my *ceterum censeo*. It is the same as ever. Away with the wretched little princedoms and the patchwork map of Germany. I remember the comparison which Marius made between the Roman State and a filthy peasant's jacket. The jacket of Germany is full of vermin. Do you recollect what

Cobbett says somewhere about the wild delight of farmers when they kill a rat while thrashing grain. It is bad enough that a German must think of Marius and Cobbett when he would like to think of Chatham and a political Luther. When you have read this letter, tell me freely whether you wish me to write on other subjects, just as De Tocqueville wrote, immediately after the glorious *coup d'état*, that he could no longer correspond on the political events. If so, I shall add this to my other sorrows. How many men are there not living who seem to be born at the wrong time! . . . My dear friend, how is the German translation of my "Civil Liberty" progressing? I doubt whether you will be allowed to print it. Let me know. . . . Recently the Chief Justice of Michigan, whom I never had known, sent me his Opinion given on a very important case in Constitutional Law, before the Supreme Court of that State, together with a letter, in which he thanked me for my "Political Ethics" and "Civil Liberty," and remarks that he could never have written the Opinion without these works. In fact, the whole argumentative part of the opinion, he says, is Lieber through and through. The spontaneity of this communication gives it a high value to me. But what of all this? I was born for action, and for action in troubled times. My connection with literature is merely a morganatic marriage. Again, of what use is all this, when one is much nearer the end of life than to the beginning, and when little else remains but the love of friends? — and for yours I pray most fervently. . . .

TO G. S. HILLARD.

Columbia, S. C., October 4, 1854.

I have long desired to write to you, my dear friend, — half a letter to Mrs. Ticknor has been lying several days on my table, — and now I come to you, not with a letter, but simply as a man runs to his neighbor in some great calamity. Read the enclosed, and you will understand all. In the bitterness of my heart, and in my utter helplessness, I could sit down and cry — weep like a woman, like a lost child. To this we have come! Good God, and I here. Perhaps you say that this will have

no consequence in itself, that the thing has been possible, and that the "Mercury," the "Standard," the "Southern Review" preceded this presentment in this terrible movement. All the fearful struggles of a century and more, all that has been written on the subject, all the shame of our race at that stain of the African slave-trade, all the American pride that we were the first to make it piracy, all the expenses to prevent it, all the laws and treaties, the very horror of our kind, — all, all thrown overboard, and naked infamy strutting proudly about. And see how they observe that the North prospers better, but instead of seeing the true cause, they turn about and suggest the widening of the cancer as a remedy. How true it is, what I have often said, that there is not a single truth or fact so well established that it may not impudently be denied, provided you give proper time to iniquity, or people are led gradually to the denial. What have we not witnessed! When a boy I heard an officer maintain that obedience was not only the sole law of the soldier, but his very honor, and that if the superior ordered the inferior to shoot his father he must do it. We have heard Frenchmen condemn representation and praise vile Cæsarism and Robespierre; we see Mormons with many wives; and we have heard Sumner tumble over the very idea of a Constitution; and we now find African slave-trade recommended, after Calhoun had raised slavery on an altar to worship it. While such raving madness boldly speaks around me, I hear Calvinism adoring predestined perdition, and magnifying God for it, as Shiva is worshipped in Hindostan. Send me a word of love; I stand in need of it; I feel wretched.

TO G. S. HILLARD.

COLUMBIA, S. C., January 21, 1855.

Can you, my dear Hillard, give me or obtain for me a brief sketch of Crawford's life and works, — very brief, yet correct? It is important for me to have it, and I must have it, at the very latest, on the 1st of May. . . . All man and woman kind may be divided into two great classes, — those that write

letters after a year's separation, and those that don't, — those that keep, and those that dry up. The first class is very small. You belong to that peerage; you are a right trusty earl in that house. . . . Have you seen Tennyson's poem on the battle of the Alma? What most wretched and crumpled stuff that is! It is very odd that the Anglican race hardly ever produces songs with life and soul when the life of the nation throbs high. We produced no Revolutionary song worth talking of. Look, on the other hand, at the Spanish Border Songs; look at Gleim's Grenadier Songs under Frederic, and Bürger's Dithyrambe, or at Körner. So I observed at the time when every American seemed to feel deeply and warmly with Poland, — not one song was produced. Why, look at our own poets in our own struggles. When Webster, Clay, and every one wrestled for or against the Union, no Longfellow sang; and, by Heaven, there was a chance. It seems that somehow the Anglican does not know how to seize, in poetry, on an *occasion*, and give in rhyme its very "soul and savor." There must be a decided psychological reason. I was very much pleased with the lectural statistics you sent me. It shows well for Boston that your "Italy" is read so much. Don't you see how much better off you are than your friend who now is writing on ugly blue paper? I believe I wrote to you that I shall not move a finger, or a toe either, to obtain the presidency. Since then it has come to pass that every *up-country* paper, nearly, has nominated me with a heartiness and zeal of which I had no idea, and which is not in all cases even very discreet. Some of the editors are my former pupils; some I have never known, or even heard of, and they send me letters accompanying their papers, signing themselves as "admirers and supporters." No low-country paper has yet come out for me. I wish you to keep this between ourselves, but it is significant. The low-country is the real seat of our anti-national fever and furor. Whether Doctor Thornwell will really go away, or whether the trustees will not dislike this popular movement in my favor, and consider it a trespass on their domain, or whether secretly this rush will not be viewed

by many trustees as a latent hostility toward hyper-Calvinism, I cannot say. I do nothing, as I told you before. That editor who came out first for me, and said he would nominate me a thousand times, is a former Methodist preacher. How delightful this spontaneous movement for me — without party, sect, or section to back me — would be, were it where I felt psychologically at home. Even as it is, I cannot help considering it a welcome incident in my life. It proves to me, besides, that I could be, under proper circumstances, a man of the people, in the sense in which Luther was one, if the sparrow can be compared to the eagle. . . . To those things which have given me a shock of late, — the furious nonsense about the Union, the recommendation of resuming the African slave-trade, the dirty Mormonism, — I must now add the grand spectacle of American would-be republicans siding with Russia. Only I have ceased to be surprised, — "Tout arrive," and "Oh, what a world in detail!" I think you owe me thanks, if not for the contents of this letter, at least for its length, which, by the way, has made me pass the church time. I put the guilt on you. . . .

TO G. S. HILLARD.

Columbia, S. C., March 9, 1855.

I do not know, my dear Hillard, whether you have any paper left in Massachusetts daring enough to publish anything against Know-nothings. If there be one, I would ask you whether you could get the accompanying copied. Possibly the thing bears the ear-mark of the author; and if so, I would not dislike to see it stated that the editor thinks that *I* am "Citizen." It has been repeatedly suggested to me by "foreigners" that I am expected to come out. I have little time and inclination to write newspaper articles, especially here. A man does not like to preach to a handful of hearers. But since I have written this (it is the second newspaper article I have published on the subject) I wish it diffused, and wish my fellow-emigrants to know that I am very far from knocking under. Know-nothingism is a very wretched affair.

It is, I suppose you know, a child of Calvinistic bitterness, — at least here in the South. Protestantism is indolent. . . . They want to combat papacy with hatred, not conquer it with love, truth, and the gospel. A former student of mine, now residing in Texas, lately desired my views on Know-nothings. I dare say my letter will be printed, and if I get it you shall have a copy. I have taken care to weave in a passage or two, relating to the subject of immigration, in an article I lately wrote for Putnam, who begged me, last summer, to give him a paper on the Mormons. I do not know whether you have read it. Perhaps you would not relish it. It was written with contracted brows. I do not know how it has been received. . . . Our house is enlivened by Sally Baxter and her sister Lucy, who have come to pass a spring month or two with us. . . .

TO MRS. TICKNOR.

May 5, 1855.

. . . So Judge Loring will be, or by this time has been, driven from his judgment-seat! O Massachusetts, how ill does this tragic buffoonery agree with thy venerable age! And pray, will that bill, which disfranchises all citizens by choice, become a law? It is strange that those who so perseveringly have contended with South Carolina for the acknowledgment of their black citizens are now so ready to enslave their own kin and skin. *Tout arrive!* even L. Napoleon at Windsor Castle.

Do you remember in Homer, or all epic poetry, any imagined scene so epic and so gravely great as that armistice after the late sortie of the Russians, when Russ and Gaul and Britain crowded together down in the valley, as people crowd at fairs, to pick up the ghastly three thousand warriors, now at last in peace with one another, because dead, — and all this near, as we may call it, to that ancient Troy? I had, a few days ago, a letter from Theodora Bunsen, from Heidelberg, where you know Chevalier Bunsen has settled for the present. She moans — and of course it is the moaning of the whole house

— over the deplorable conduct of the King of Prussia, against the ardent desire of a large majority of the people. We must bow to God! Deeply as we may feel the humiliation of England; startled as we may stand at the resistance which so coarse a power as Russia can make; frightened as we may be by the temporary ascendency of French centralism, — the very confusion seems to me to indicate that Providence inflicts these things upon those that are wanted for great things yet, to punish, chasten, and to make manly again those that had sunk into pride. Still, all this, and all that occurs at home, is of a nature to make one very grave. Happy are the peaceful, — happy those who, in times of content, can unreservedly throw themselves into the arms of the one or the other party! but they are the mourners who see gross wrong on both sides — as I do in the United States — and who see no bright future for their children in the country for which they have left everything. . . .

TO G. S. HILLARD.

COLUMBIA, S. C., June 30, 1855.

. . . I set out this time for the North, not only without any anticipation of pleasure, but with a kind of dread. There are various reasons not worth mentioning; and then, that being tossed about, in the most oppressive months, in the narrow rooms of American hotels while, unfortunately, every one of my friends is generally absent. . . . Would I could have gone to Paris! I had a letter from De Tocqueville, telling me how Napoleon III. *appointed* ten members of the Academy of Morals and Politics over and above the full number, merely because the members are non-Napoleonists, not in any way opponents; and how these ten were received by the Academy without any speech, or the usual rising of the old members. He says people begin very largely to feel that it is not very safe or agreeable to give all power to one man. Perhaps so! It is strange they should *begin* to feel so; but, as Guizot said in the Institute: "There is a greater enthusiasm for servitude shown in France at present, than ever before for

liberty or even for anarchy. Since I wrote you last I read Sumner's *great speech*, and yesterday I read for the first time "The Lamplighter." . . . The latter would have been a fine story of about sixty pages, but to write some four hundred pages about things and people that have really few points to interest you, and to make the whole consist of dialogues, makes a book of no solidity. . . . The sentiment is pure, but that is not sufficient. It is a very common yet grave error to believe that writing is like painting. A picture may be very pleasing by mere imitation, — *Still-leben*, as the Germans call it. The art which exactly imitates an apple is pleasing. It is not so with a book. The reader says at once: "Well, and what of it?" That "The Lamplighter" has sold seventy thousand copies shows a feeble taste widely spread. . . . By the way, how unconsciously the writer Yankeeizes when the hero and heroine talk together as children how they will make money, — a thing she never afterwards corrects. It seems quite *comme il faut* to the writer. I have not heard from Mrs. Ticknor this long, long while. Please send her the paper I send you. Somehow, I like to be read by her, even when I write dry, dull stuff. What are your plans this summer? I doubt whether I shall go to Boston. I never find anybody.

The following extracts are taken from his brief Diary: —

July 4. Leave Columbia, with Matilda and Norman, and go to Philadelphia. See Doctor Kirkbride, and have a long talk with him about the reform of our asylum.

July 9. Leave Philadelphia for Danville. Visit my Quaker friend Wood at the Chulasky Iron Works. To Pittston, on the left bank of the Susquehanna, through the Wyoming Valley. Lovely, *lovely*. From Wilkesbarre to Rupert, — an exquisite sail, or *glide;* charming scenery! Strange contrast with the eternal swearing of the boatmen. God's wonderful blessing and man's dirty curses! Here lived Dr. Joseph Priestley. It is the Susquehanna of Coleridge's and Southey's youthful dreams.

July 16. . . . To Pottsville. I love this scenery, with its grand trees. On the top of Locust Mountain I found two tulip-trees. Return to Philadelphia. Overwhelmingly hot; still I worked hard from eight to two o'clock.

July 20. Trübner of London breakfasts with me. What a peculiarly fine type a German bookseller is, — intelligent, well read, and largely informed in bibliography, a good adviser, and proud to belong to the literary commonwealth, honoring the author and disdaining to be a mere book manufacturer. Trübner is one of the happiest realizations of this type. I asked him if he had observed, what has often struck me, that a German becomes much better looking in America, more manly and intellectual. He answered that a German artist in London had made the same remark with regard to the Germans in England. I spoke of the common class.

July 21. To Bordentown, to join Mrs. Lieber, Hamilton, and Norman.

July 30. Again in Philadelphia. Made the acquaintance of Allibone, writer of the "Critical Dictionary of English Literature." He has an excellent library for it. He rises early, writes until ten o'clock, from ten to one is at his counting-house, and writes again until late in the evening. He is a merchant, and does a large business. How curious and interesting. He spoke to me always as one of his "teachers;" has studied my "Political Ethics," and my "Pardoning Paper" attracted him much. He was present at the convention where it was first read. . . .

TO HON. WILLIAM C. PRESTON.

BORDENTOWN, July 28, 1855.

. . . It is the habit of the Russians, or rather of the foreigners and their descendants who have received salaries and orders among those semi-Mongolians — unfit themselves to produce anything — to represent the Sclavonic race in the nineteenth century to be like the Teutonic race at the time of Roman decadence, appointed to renovate a corrupt generation, doomed by Providence to make way for a new state of things,

while in fact the Russian Empire is the fag-end of the worst which has ever been recorded, — the Byzantine Empire. Whether the West of Europe is sinking or not, the Russians are sunk far below that part of the world. They are an uninstitutional race. The present emperor is the first who ascended the throne without blood or crime. All Russia is nothing but a vitiated nobility and a groaning serfdom, which, with the wit of Germans and Frenchmen and a steady fiendish diplomacy ever fomenting rebellion among the neighbors, have produced nothing but coarse increase of territory. What thought, what institution, what science, has Russia contributed to the stock of civilization? Let us not conclude that the European race is enervated because great faults have been committed, or fall into the common error according to which we measure the mole-hill, close before our eyes, by retrospective lines of the Alps at a distance. I know full well the present degradation of France, but are not a thousand improvements, and essential ones, going on all the time in Europe? . . .

TO S. A. ALLIBONE.

Columbia, S. C., October 4, 1855.

You have so kindly received me in your work, that I do not hesitate to send you a few reflections on your motto on the titlepage. It has only this moment attracted my special attention, possibly because it conflicts a little with what I have expressed in my letter to the Publishers' Festival. I certainly hold my dictum — that law (government, and all that appertains to it) *and* literature are the noblest monuments that great nations can erect in their honor — to be the truer one. But let us examine Dr. Johnson's "The chief glory of every people arises from its authors." It seems to me that this is like many things Dr. Johnson said, — striking, but hyperbolical; very excellent to pass for the moment, to set others thinking, and all that; but the question is, should it be selected for a motto for a grave and weighty work as yours? Let us examine it. It is undoubtedly erroneous

that he says "of *every* people," for there have been many peoples who have done some glorious things, but had little or no literature, — the Servians, for instance, against the invading Turks, and so the Hungarians; but their literature is meagre, upon the whole. Would any man be so bold as to say that the chief glory of the Romans is their literature and not their institutions? Take ourselves. I, for one, believe that the chief glory of this nation is the bold idea of engrafting, for the first time in history, the representative principle upon a confederacy, — and thus creating a Union with a complete government, while self-government is left to the States, — and breathing from the beginning the spirit of self-expansion into the whole. Let foreigners judge. Excellent authors as we have had, no foreigner, I believe, would allow that we can compete, so far, with some other nations as to literary glory; while we stand among the foremost in having actually contributed a great and new political idea to the political capital of humanity, if I may use this not very exalted expression. Is the case of England not somewhat similar? Her literature is great, wonderfully great; but I deny that the glory she has acquired as the *officina libertatis novæ*, as the elaborator of the common law and of great political institutions, and of ideas of self-government, is not as great; and, what is somewhat curious, the glory of her political writers is by no means equal to the glory of her politics, — that is, of her political institutions and ideas. Johnson excludes all the glory of orators, and how great is that! Chatham was no author, — at least, no glorious one, — but he was a "glorious" orator! On the other hand, take Germany. Her greatest glory is, indeed, her authors; but alas! how much is wanting to the highest glory of that noble nation, because her law and government are not glorious. . . . In my opinion, then, your motto ought to be reviewed and reconsidered by you. Whether you change it or not, you have my sincerest wishes for the success of the work. . . .

TO G. S. HILLARD.

South Carolina College, December 1, 1855.

. . . I continue my letter. Next Tuesday the president of this college will be elected. There is a majority of trustees in my favor, and the people outside want me. All the alumni insist on my election; but it is very possible indeed that your friend remains simple professor, because the outgoing president — a regular hard-shell Calvinist, who meanly hates me simply because I am not a bitter Calvinist — has urged another professor, who has been here a year only, as a good president. This professor is a Presbyterian. No one thinks that he stands the least chance; but the movement is made to induce the trustees to say, "Since neither of these two will work well under the other, we had better take a third, indifferent person." It is a low election manœuvre, and may succeed. So be it! . . .

TO S. A. ALLIBONE.

South Carolina College, December 13, 1855.

My dear Sir, — I have resigned my professorship in this college. You do not sufficiently know me to be convinced that no irritation at not being elected has been the motive. My reasons are, not that I have been passed over, although a large number of trustees voted for me, and for several ballotings I stood at the head; but because a professor unknown to the trustees and utterly incapable of ruling this institution, has been elected, and because the college will go to ruin. I am too old to play the college constable for another man. When I see you I shall tell you all about it. Bitter Calvinism, — simply bitter because I do not visit the Presbyrian but the Episcopalian church, — and my "Union" letter, and villanously hinted suspicion of abolitionism, carried the day. Petigru of Charleston fought strenuously for me. All this is strictly confidential.

I am, then, a mason out of work. Professors here are obliged to give a year's notice of resignation. Next Decem-

ber I shall be a "promenading" workman. For this purpose, I am desirous that my resignation be known all over the Union. It is here in the papers, and will soon make a noise. . . .

TO G. S. HILLARD.

COLUMBIA, April 30, 1856.

. . . I am sorry, sincerely sorry, that peace has been concluded before England had a chance to right herself again. That was worth many millions of pounds and many thousands of lives. We shall have now a period of at least two lustres of centralization-worship and, what is always connected with it, of idolatry of democratic absolutism. God be thanked, I have put my "Civil Liberty" on record, — like a protest on the journal of the House of Lords! I wish I knew the inner history of all this. As to Napoleon III., I doubt not that he wanted peace for three reasons: to stop when England had been tarnished, or at least disesteemed (as is actually the case on the Continent); the war became too burthensome at home, when abroad an army, perhaps a little independent, was growing up; and lastly, he had an opportunity to make himself popular with the Continental monarchs by peace. But why is England fawning upon him in such an open way? Did they really get frightened by a threatened invasion? You remember how urgent Wellington was to induce Parliament to prepare against invasion. But why are the *people* so Gallican? They have fired guns all over England to celebrate the birth of that prince. As for the peace, I do not hesitate to call it what Walpole's was called in Parliament, — an inadequate one: not even Poland re-established; which is, I take it, a *sine qua non* for Europe. . . .

FROM HIS DIARY.

July 1. Matilda and Norman sailed for Europe. I accompanied them to New York. . . .

When I returned, in 1845, from Europe, I wrote to De

Tocqueville that the third election after that time would turn upon slavery. It was clear to my mind, and now what I predicted has come to pass.

TO HIS WIFE.

New York, August 12, 1856.

. . . I suppose you hear much about the coronation at Moscow. How diminutive it appears to the historian and sound statesman, — the man for whom nations, peoples, and the people are all; and how gigantic it appears in trumpery waste to the manly economist! I can discover but a single satisfactory thing in the whole — namely, that the Imperial Director of Theatres has had the arrangement of the celebration. Hugo Grotius, in his work on "The Prince," says: "If crowns and purple mantles make kings, in what would they differ from princes stalking on the stage?" . . . I have just received the papers containing the questions put by Columbia College [New York] to me. There are one hundred and twenty questions, with ever so many "please state;" and then follow topics on which I would rather write a book than a few lines. The chief man on the board of trustees wants me to define my professorship, so that he may bring it before the board.

Marcy, the Secretary of State, wrote me to-day that he had sent me six copies of his famous letter on privateering, to send to Europe. I have just received the Parliamentary copy of the late Paris Treaty of Peace. It is a most shameful one. How odd! there is a decided change here in people's opinions regarding the ability of Napoleon III. to maintain himself. Well, some more kickings-out of the Bonapartes will make them ultimately quite as "legitimate" and respectable among the kings as the Bourbons. . . .

TO HIS WIFE.

Albany, August 25, 1856.

I am writing in a roomy library, with all possible scribble comforts. Around me are Roman engravings, busts, and bronzes; and from the window there is a view of the town,

and the Hudson and its high banks, that remind me of Roman city views. Near this library are my bathroom and bedroom, which is large, with full-length mirrors, and a bed of half an acre, and everything else in proportion, — according to the standard of that palatial republicanism, so peculiar to the North of the United States, where English aristocratic comfort has been grafted on republican houses. And this I owe to my "Civil Liberty." You know I came up here to play the cultivated loafer at the meeting of the naturalists. I was invited to an evening party the same day I arrived, and while speaking with some one, a gentleman approached, to whom my conversant said: "Allow me to introduce you to Doctor Lieber." "Doctor Lieber," said the other, "the gentleman whose book on Liberty I have just read?" &c. He asked me if I were comfortably situated, and I told him I had been put into the room of a gentleman temporarily absent. The next day I found that all my traps had been forcibly carried off, and I could do nothing but follow; and here I am at Mr. Pruyn's, one of the first lawyers of Albany. His wife is at Newport. He has since taken two more people into his house, and to-morrow Bancroft is expected. Gould is staying at the house of a Mr. Halley, where he, his parents, two sisters, Agassiz and his wife, Bache and his wife, and a number of others are staying, each one being requested to invite for dinner whom they like. I dined there yesterday, and was seated by Mrs. Agassiz, whom I admire exceedingly, — she is so gentle, sensible, and womanly. She told me about her school in the simplest manner. Agassiz had only fifteen hundred dollars, on which they could not possibly live, and she planned the school with his daughters and son, but was afraid to propose it to him. When she asked his permission, he said, "I will consent if you will let me help." They succeeded so well that they have the assistance of Felton. Agassiz teaches natural history, and once a week lectures in French on botany or geology. She is the granddaughter of the princely Perkins. I consider her the very flower of a life of real culture. Goethe, I dare say, would

have called her "*eine schöne Seele*," but she is more than a beautiful soul. . . .

TO HIS SON OSCAR.

New York, September 5, 1856.

This very moment, my own Oscar, I despatched a letter to you, and hardly had it gone than I remembered that I had not mentioned your birthday. Again and again I had written to you, in my mind, for that festive day, but in the hurry I forgot to mention it at last. I shall give you, my boy, some token, — I don't know yet what. If I knew a sterling book for you, I should send it. But what is more important, my son, let us solemnly resolve to remain closely attached friends to our deaths. I am writing this with solemn feelings, and not without sadness. I know that on great things which agitate our times, and will do so far more than now, you think differently from what I do. It has not been granted to me, as to many others, to be in every respect of the same opinions with my first-born. I do not complain of this. You cannot have the experience or the knowledge of history which I have in my advanced years. You are living in the midst of a community with which you are essentially united by circumstances. Your youth has been so different from mine that I cannot expect you should feel and think as I do on every point, however sad it may sometimes make me that it is not so. I will never doubt your integrity and sincerity. You will never, I am convinced, doubt that, as I commenced life in the cause of justice and liberty, I shall end it as truthfully and conscientiously. Let us, my son, then, love one another, and hope for the time when the light of truth will no longer be obscured to our sight, but will shine clear and pure into the souls of the blessed, and we shall know where we have erred. May God protect you. Good-by, dear boy. . . .

TO G. S. HILLARD.

COLUMBIA, S. C., October 23, 1856.

Now, I see the Union will not last. The North will be obliged to sever itself. The victory of Buchanan, the victory of Southern bullyism, the acknowledgment of Northern men that, right or wrong, they yield because the South threatens to secede, will inflame and inflate proslavery to such enormity, and tyranny over the Free States, and madden it in its ungodly course of extending slavery within the United States, and into neighboring countries where it had been extinguished — countries which, having absorbed the fatal virus, will be annexed just as Texas was. Such a course will be pursued that Civilization herself will avert her face and weep, and that you, I, every man that has muscle enough left to heave his breast, will call out, "Let us part, come what may." The late victory of the so-called Democrats, speeches such as your own, and a thousand things show this to me, who, unfortunately, cannot make my heart's desires triumph over the head that sees and the mind that judges. Why was I saved at Waterloo? But I feel ashamed of talking about puny self in presence of this gathering hurricane, when the vessel of state has sprung aleak. I do not know anything more arrant and more ridiculous than the Southern bawling about the Constitution, while in the same breath they clamor for the annexation of Cuba, and put that thing in their platform. Is that constitutional? I perused your speech with much attention. I do not know whether I am right, but as to form, style, manner, your speeches are more to my taste than any other American speeches. As to the contents, I read several passages with pain, especially that in which you defend Mr. Fillmore's declaration at Albany, which I thought, when I first read it, unbecoming a candidate for the presidency, and revolutionary; and I still think it so. Your quotation about the wish being father, &c., will be readily applied to your candidate's declaration. You say that it is foolish to press Fremont's election, because the fact is that the South would

not submit, and we must go by facts in politics. But, then, is it not a fact, too, that you cannot elect Fillmore. Why, then, move for him? Is it merely to defeat Fremont? I am aware that criminal nonsense has been spoken and written by some men who are for Fremont. Has there been less odious nonsense and sinful, shameless absurdity proclaimed in the South? Have you read how the idea that all labor ought to be owned by capital is running like wildfire over the South, and even through sedate reviews? Where is the mad socialist that has ever uttered worse things? I do not even except Proudhon.

This is a twice confidential letter — confidential, because it ought not to pass beyond the band of friendship which encircles us, and confidential because I have spoken with confiding affection to you. I am conscious of loving you not a particle less for differing from you on some points in your speech, or for your differing from my opinion on the Albany astronomical speech, and your thinking that I wrote on it in a bad humor. Let us never *secede*.

With views such as I have stated, I must more and more desire to remove hence. And so I shall, but I do not know whither.

The "New Englander" had an article on my "Civil Liberty," by President Woolsey of Yale College, in which two things, which were without any foundation, were stated as facts anything but favorable to me. I happened to write to Professor Porter, and mentioned the surprising unfairness, whereupon Doctor Woolsey wrote a kind and, what is more, a very manly letter to me, apologizing, and assuring me that he considered me the first political writer of America. Do you know him? I should think that no one but a substantial man could write so manly a letter.

Have you read Professor Hendrick's letter? Of course you have observed that Walker has virtually reintroduced slavery into Nicaragua. The Jacobin communist, Soulé, has not gone there in vain. When I see you the next time I shall tell you strange things about intrigues and endeavors to reintroduce slavery into Mexico, preparatory to the formation

of a great slave confederacy. What a diabolical mission! Have we not all professed that one of the great characteristics of our age is the dignity of labor? Now the South says: "We hate the very name free — from free negroes to free schools, free will, free labor," &c. I do not remember any equally reckless blasphemy in the times of the worst Catholic persecutions. . . .

TO S. A. ALLIBONE.

COLUMBIA, S. C., November, 1856.

I do not know whether it was to you I predicted that in less than two years the reopening of the African slave-trade would be proposed. We travel faster than I thought. I send you the message of Governor Adams to the legislature, and you will see as dark and diabolical a passage as has ever been written. . . .

I am going to make you a present to-day. You will get a substantial article on Arthur Young. De Tocqueville says in his "Old Régime," "Arthur Young's work is one of the most instructive that can be consulted on Old France." This tallies with what I have frequently remarked, that the best accounts of complex states of things, whether political or otherwise, have generally been given, at least at first, by intelligent foreigners: as Sir William Temple's account of the Netherlands; Basnage's account of the same republic; De Lolme's of the British Constitution; De Tocqueville's of American Democracy; Arthur Young's of Agriculture and of the Administration of Old France. This remark finds its application even in history. Niebuhr saw many relations of early Rome clearer and truer than Livy or even Cicero; and, to judge of the few etymologies given by the greatest Greek authors, we know more about that part of the Hellenic tongue than they did. . . .

CHAPTER XII.

EXTRACTS FROM THE DIARY, 1857.

January 7. Take final leave of Columbia. The last days we had spent at the kind La Bordes'. I go on at once to New York. Matilda and Norman remain in Philadelphia until January 23, when, in consequence of the fearful snow-storm, they are delayed thirty-four hours on the road.

In February Norman leaves us for the Cambridge Law School.

March 7. I am writing my suggestions regarding Columbia University, and also a paper on the Cooper Institute, at Peter Cooper's request. Very warm letter from W. C. Preston, referring to my connection with the South Carolina college.

March 15. Julia Ward Howe's "Leonora" performed at Wallack's. Some scenes excellent.

March 17. Mr. Ruggles calls, and says I may consider myself elected. No one else is spoken of. The election will not take place before June, and it will be better not to go to Europe as I intended.

March 18. Letter from Yaedon about the testimonial given by the alumni of South Carolina College as a token of their regard.

March 22. Yesterday I dined with a Mr. Van Buren, who it seems I knew twelve years ago. Our meeting the day before was very original. A stranger addressed me in Broadway, and the conversation was literally the following: "Doctor Lieber, what is the name of your last book?" "Civil Liberty." — "Where can I buy it?" "Wherever it is for sale." — "Will you dine with me to-day?" "No, I am en-

gaged already." — "Will you dine with me to-morrow?" "That depends upon who you are, and whether you will give me a good dinner" — and a very nice dinner it was.

April 2. Meeting of Jewett, Bishop, myself and Childs, Sheldon & Lea of Boston, on account of Encyclopædia — "New Americana."

April 7. Sent to Alexander Humboldt a piece of Sub-Atlantic Telegraph, my ode on it, and a letter. . . . Finished Motley's "Dutch Republic." It is a sound book. Wrote about it for Allibone. Read Kingsley's "Two Years Ago;" won't do after "Dutch Republic."

May. To Boston. Between New York and Boston the idea of a City University was perfectly settled in my mind. I have written to Tyler to procure for me, through Fraser, an exact account of the City University of Edinburgh. It will require two years preparation. If I am appointed in New York, this shall be my last great work.

On *May* 18, unanimously elected Professor of History and Political Science in Columbia College. Immense number of letters of congratulation and papers; North and South speak highly of the appointment. House-hunting all the time.

TO G. S. HILLARD.

New York, May 19, 1857.

My own Hillard, — Yesterday your fat fogy of a friend was unanimously elected Professor of History and Political Science in Columbia College and for the University Course.

It is pleasing to me to remember that both times when chairs were given to me, it was done unanimously by bodies of trustees consisting of some twenty-five members. I shall begin duty in September. . . .

TO S. A. ALLIBONE.

New York, May, 1857.

. . . As to old Jonathan Edwards, he was not inspired; and if I, who am so great an admirer of Aristotle, — the greatest human intellect, as I believe, — have not hesitated

to point out mistakes which became evident to me in *him*, I shall not bow down before Edwards and exclaim, "Allah is great and Edwards infallible." If people are *only* logical they are already illogical, for nothing is more apt to lead us astray than logic unmitigated, except always in mathematics. Aristotle forever, but Truth even for longer than that. . . .

TO HAMILTON FISH.

NEW YORK, May 20, 1857.

MY DEAR SIR, — . . . Permit me to ask you a question in confidence. I am appointed Professor of History and Political Economy. I believe, however, certainly *I hope*, that I shall have to teach and be permitted to lecture *on Government*, Political Philosophy, or, as our great master called it, Politics, — call it what you may. Now would it be much out of order if some one moved next Monday to call my chair that of History and Political Science? And, would it be carried? For, a thing of this sort ought not, I know, to be asked unless, ninety-nine to one, it will be carried. I should not like to appear in the matter, simply because it would look very ungracious were I to begin my career with you by fault-finding — which it would appear to be, though it is not. But I actually have not yet written my letters to De Tocqueville, Bunsen, and Mittermaier, because it would gratify me to tell them that I have been made professor of the greatest branches in the greatest city of the greatest Union — that of History and Political Science.

July 1. Dear Hamilton and Norman with us. First faculty meeting.

July 28. Dined at President King's with Washington Irving. Motley was expected, but did not come.

Got possession of our house — 48, East 34th Street — and moved into it, August 1.

September 13. I am very busy preparing my "Minor Works" for publication. Commence at half-past seven in the morning, and remain at my writing-table until about four,

with ten minutes interruption for luncheon; at four to Westermann's (German bookseller); at six we dine, and after dinner Matilda reads to me. Just now we have the "Life of Henrietta Herz." What a beautiful and gifted woman she was! It is strange to find myself mentioned in the book as "der berühmte Franz Lieber."

September 20. Anniversary of our wedding-day. We have been married twenty-seven years. Twenty-two of these were spent in Columbia! What a lifetime! and yet it never was our home.

October 7. First lecture in the college. . . .

TO COUNCILLOR MITTERMAIER.

New York, November 28, 1857.

. . . I rejoice that you, a stern jurist, have taken the same view of the Dred Scott case that I have. I expected this. There is one point, however, in your letter on which I differ. I agree with you as to the tyranny of the masses; *ça va sans dire*. I believe all absolutism to be the lowest phase in politics, and democratic absolutism the worst of all, and that no liberty is possible without institutional polity. But in this struggle of proslavery against freedom it is not the people who tyrannize, as you seem to think. On the contrary, it is slave-aristocracy that tyrannizes. We have only three hundred and fifty thousand slaveholders, and very few of them hold many slaves; yet it is they who rule the South and — through the South and an additional party in the North — the Union. In our struggle at present it is eminently a minority that rules, and a minority that elects the President. I have shown this statistically in my "Civil Liberty." We have at present here a struggle not wholly unlike that of the cities with the feudal lords in the Middle Ages. . . .

TO A FRIEND.

New York, Sunday, April 18, 1858.

I have written Sunday, in the dating of this letter, that you may be convinced at once, my dear friend, that I set

down nothing according "to my unfortunate habit of fault-finding," but simply to explain certain facts. You said, in your last, that if I should see Sumner, to tell him, &c. I never see Sumner, and if I were to see him I never should think of telling him anything of the kind. For many, many years we were most intimate and attached friends. His letters were full of the warmest affection. When he first came out with his Anti-war, Fourth-of-July oration, he did not take my dissent well. When he was elected senator of the United States I wished him the best success, although I could not approve of the manner in which he was elected. I had begged him to send me documents important for my branches. I never received one; but, instead of it, for a year or two he would frequently send me newspapers with some shocking article about ill-treated negroes, marked with thick lines. It became ultimately so disturbing that I wrote two letters, one rather long, the other short, very calm, both requesting him to stop at length, — that I, living in the midst of slavery, must be supposed to know the unhappy institution at least as well as he did, that he knew how I had all along hoped to be removed from it, &c. I left it to Hillard to select and he preferred the shorter letter, considering it dignified and the right thing. Thereupon I received one from Sumner telling me that I had no reason to complain since I had turned a proslavery man. Now this would have been fiendish had it not been in consonance with Sumner's silly way of saying the bitterest things without apparent consciousness of saying anything harmful. I replied that no one had a right to say such things of me, and he least of all persons, for he knew me, — that it was an ill-requital for a life actually spent in the service of liberty, by my blood, word, and pen. He wrote upon that reminding me of a conversation at Longfellow's table, where Matilda and I maintained that the negroes, upon the whole, were physically well treated on the plantations, and better than in the West Indies. I did not reply again, and never met with him until on his late return from Europe, at the burial of poor Crawford. I discovered him in

the vestry of the church surrounded by a number of persons. I immediately walked up to him, glad to see him. He held out his hand, in the fashion of some John Bulls, and said: "How do you do?" That was all. Still, in coming out of church, I begged him to let me know when he should return to New York. He was then setting out for Washington, and said he should soon return. He has been here, never dropped me a note, and there we are. You will see that I can say nothing to him. I never told any one this whole story as I have done now to you, and you may take my defence should you hear me assailed on the Sumner score. Calmly and collectedly I say, considering all circumstances relating to him and relating to me, his conduct toward me in this matter has been outrageous and unmanly. . . . Sumner requires adulation; I am no flatterer. I can love, and devotedly love; I feel the luxury of being thankful and the delight of admiring; but I am above all a man that loves truth, and adulation goes against my grain whether it be applied to me or expected of me. . . . Keep this letter.

TO G. S. HILLARD.

New York, April 19, 1858.

I have some ten minutes, and happening to think again of Orsini, I will put on record, in the archives of friendship, what I have never told any one here. It is too private a matter. The whole, as you will see, is of general psychologic interest, and at the same time will aid you to look into the original complexion of your friend's mind.

When, after the King of Prussia had made his call on the people to rise and flock to his standards for the salvation of the country (in 1813), my brothers, who were among the first, left Berlin for Breslau, where the court then was, my family were in great excitement, my parents wept most bitterly, yet glowed with self-denying patriotic enthusiasm. When my brothers were gone I rushed to my room, knelt down before a small press in which I had my herbarium (I was then an ardent botanist), and took a most solemn oath, with a voice

as loud as my sobbing allowed of, that I would study French, enter the French army, come near Napoleon's person, and rid the earth of that son of crime and sin. I tell you I did it fervently, devoutly, unreservedly. I was then thirteen years old. I remember very distinctly that the idea of sacrificing two armies, while the sacrifice of one life might stop all misery, seemed to me preposterous. Now whether we look at that lad in point of individual psychology, or at the fact as a feather in the rigging of the great man-of-war of history, or with reference to Sand, or even now to Orsini, this account attracts attention. I ought to add that the lad was then fervently religious. He prayed much; read the Bible, and instructed a younger brother in the Bible. He always first explained a passage, and then prayed with his brother with reference to that passage, — perhaps five times in an hour. See how nearly patriotic fervor, religious devotion, boiling hatred of conquerors, and assassination can form a ring. And do you not see, in the boy of the beginning of the nineteenth century, several men when our race was in its boyish age? Was I not a boy-Scævola? Was not Orsini the boy Francis Lieber? Only the continued war soon placed the rifle in my hand, and sound education wrung the dagger from my mind, together with the foolish plan of using it. Still later comes Sand, who, not in the assassination, but in all the feelings and emotions that led him to it, was a representative of all of us. We all boiled with passion against the man who could be openly the traitor in the very midst of us, without the possibility of bringing him to a legal account. Then came the affair with Stourdza, and the attempt at assassination in Nassau, and Charlotte Corday before the minds of all of us. I tell you, political assassination is a topic of historical psychology that cannot be settled with a newspaper article merely expressing indignation *simple et pure*. And then comes the old topic of tyrannicide, discussed by many of the gravest and most comprehensive minds. Keep this letter; you may want it to write my biography when I am gone. Do not think I wrote all this in ten minutes. I was interrupted and have continued it this day, the 20th April.

You owe me an answer to the question about the Chair of Political Economy or Science they write about in your paper. What a most glorious thing it would be, if Missouri were self-acting, to upset that heretical Calhounism of an equilibrium in the senate between Slave and Free States. It is an absurdity, because it attempts to smuggle into the Constitution something stable that is founded on something unstable, namely, slavery, which, once established, has always been something receding in all history. You will see that within a short time cotton will be made the test, and it will be insisted upon that the Cotton-growing States must have an equal representation with the non-cottoners in the senate — cotton and sugar. How silly Buchanan makes himself when he pretends that the slavery agitation can be settled with Kansas, while he has all the time the Cuba business in his pocket. Let the North join in the Cuba business, and the moment she has paid for the island, the South will declare independence, especially when that Mexican Protectorate has gained ground. It *is* the opinion of many leading Southerners that their great mission is to spread slavery again over Mexico.

The ancients said: "The gods are shod with wool." Yes, and not the benign gods only; the fierce ones, too. They approach silently, and at last stand before us in the full blaze of glory or destruction. A god is approaching; may it not be Shiva!

TO WADE HAMPTON, Esq.

September 5, 1858: Cable Year.

My dear Sir, — Yesterday — it was Humboldt's eighty-ninth birthday — my entrance-hall was graced with the two finest couples of antlers which you kindly sent me; and when I inquired at the Appletons' whether they had received any English works on the slave-trade for you, they unpacked two Blue Books, already addressed to you. A glance at them does not suffice to show whether they will be precisely what you want. That there must be much useful matter of one

kind or another I have no doubt. I never allow myself to presume that I, small mortal, can lay my finger on this or that occurrence, and say: "This is a Providential interference;" but we might almost feel tempted to say so, now that the "Echo" — alas, what a name for such iniquity, which echoes all over Christendom! — has been brought into the port of South Carolina. No commentary like crying reality. It is certainly our duty, before our Creator, to make use of this event for the right cause and for humanity, which is God's cause. One of the most revolting things is the assertion that African slave-trade is no *malum in se;* and this is asserted by Americans in the nineteenth century. Man-robbing, man-slaughtering, to steal and barter fellow-creatures, man-tormenting, man-hardening, is no *malum de se?* What is *malum de se* if that is not? Is it no *malum de se*, — which, translated from its bad law Latin into pure moral language, means, of course, no ill before God, — because the coarse human law once permitted it, or because the laws of some countries still permitted it? Why, our forefathers first did not punish murder, and then for a long time punished it merely by an elaborate tariff of "composition," — that is, money-fine. All earliest nations allow absolute power of the father over the infant, and the Roman father had to take up the baby from the ground, to acknowledge it as his. He could disown it. The Chinese code openly acknowledges the exposure of female infants to wild beasts or starvation, and the English were obliged to declare infanticide murder in many parts of the East. Are these crimes not *mala de se?* Tell me the crime that has not been permitted somewhere and at some period. Piracy is now not only considered one of the worst crimes, but the pirate is stamped by all nations of any degree of civilization the very *hostis generis humani;* yet piracy is one of the latest acknowledged crimes among men. Down to the end of the fifteenth century, crime on the high seas was but vaguely and very partially acknowledged. Does any one pretend to say that on this account piracy is no *malum de se*, no crime dyed scarlet-red in the wool?

There are, indeed, many and potent arguments against reopening slave-trade, of economical and social character; but depend upon it, my friend, the truest, most essential, most radical argument against it is that African slave-trade is a godless, unchristian crime and infamy, the blot of our race, and renewing it would be high-handed rebellion against civilization, religion, — against our God. It is of no use to us that this is a sentimental argument. "All great thoughts come from the heart." The very idea of justice and truth comes from the heart. All that Christ teaches comes, first of all, from the heart, or appeals to it. Suppose I were to blaspheme and say: "I do not care for justice; I feel no obligation of truthfulness; I, for one, hate charity; I do not want to love my neighbor," — could any logic prove that I am wrong? Sentimental or not, — I care not for names, — the *heart* must furnish the premises for all logic on high themes. I defy the whole world to prove the duty of patriotism, of charity, of self-sacrifice, by any logic. I speak of these things after decenniums and decenniums of reflection and teaching and writing on these elements of morals.

I trust you have read Livingston's "Travels in South Africa." If not, let me beseech you to do it before you publicly speak on this topic.

One of the greatest inconsistencies in history, known to me, is that Southerners, always ready to rail at the Yankee for his love of profit, now stand up before the world and demand the renewal of a deadly sin and a high-handed outrage, on the avowed ground of making more money, — and this, too, at a period when that very South flourishes in point of wealth, when cotton is high, and when the South, in print and speech, vaunts her pecuniary superiority over the North.

Do angels weep? If they do, if pain is known in their regions, they must weep over such a cargo of unutterable suffering as the "Echo" carried to our hemisphere.

Did I explain to you, when you were sitting before me as a student, the theory of Mandeville and his famous "Fable of the Bee, or Private Vice, Public Benefit"? We economists

have, thank God, been enabled to show the utter viciousness and erroneousness of this argument, but in point of morals people continue to act and speak on the principle of "private vice, public virtue." We are told, and profess to believe, that boastfulness, pride, cruelty, truthfulness, simplicity of heart, love, charity, are vices or virtues, but only privately so; for boastfulness becomes a public virtue, and the moment we pretend to profess a thing for our country, or for a section of our country, we pretend to think it is patriotism.

A dear friend of mine, a minister, an upright man, when I spoke to him about Brooks's crime against Sumner, said: "I know he did wrong; but he did it for us, and we must stick to him." And we see the same process now with reference to the proposed renewal of man-trade. Where is the man that would dare to defend his privately going to sow the seed of ineffable misery and savagery, for his own filthy lucre, and to say that he believed when, on the day of judgment, God asks an account for the blood and disease and thirst and hunger which he has created and perpetrated on the high seas, and, by the long chain of guilt, far into the heart of Africa, that he could then say to the High Judge: "True, but I stand excused; for I made four hundred dollars on every surviving negro, and my neighbor made so many more bales of cotton, each of which brought him thirty dollars clear profit"?

Yet the moment that men pretend to do and say this, because "the South must rule, and without increase of negroes we lose the proportionate number necessary for representative equality," or "the North has a constant influx of white immigrants, let us therefore fetch our colored immigrants,"— that moment the private crime becomes public virtue, and they are considered patriotic.

My dear friend, when I began I thought I would write a page or two, but I was carried along. If what I have written appears as if I had written from a warm heart and a glowing soul, the appearance only corresponds with reality; yet have I written as historian, as philosopher, as moralist, as economist, and as politician. My words are no ebullitions,

though they are fervid; and they are fervid because they are the result of my whole inner man, such as he is after years of meditation, study, experience, and observation. Do what you can in your sphere and your line to avert this slur on humanity.

Boyce writes me that the "humbug of the renewal of the slave-trade is dying out." May God grant it, but the power of injury and destruction is so infinitely greater and more diffused, in our sinful state, than that of doing good and building up, that no good man must relax. Barnacles can impede the progress of the proudest man-of-war, and a wicked boy can set a town on fire. . . .

TO G. S. HILLARD.

New York, October 14, 1858.

. . . The decision of the Supreme Court of Virginia, boldly declaring a slave a *thing*, and a thing only, is, taken all in all, the foulest spot in the whole history of law, — against common sense, nature, and even possibility; against hundreds of decisions in Southern courts, against English Law and the law of all modern Christian nations, against the codes of the Middle Ages, against the Civil Law, against the law of Athens, against the Mahometan Law, against the Chinese code. It is a decision that cries to the high heavens for signal punishment. Do not believe that I am writing in an excited state. Like Lord Russell I could say: "Feel my pulse; it never beat calmer." Have we to take it like the last feeling of painless contentment which a consumptive patient often has shortly before his death? I fear not; but, my dearest friend, when such iniquities are perpetrated in the South, do at least what lies in you to prevent the appearance in your paper of such articles as the one I lately read, where, *more australi*, slavery was treated as a mere link in the chain of dependence. To me the Virginia decision stands side by side, in our age of lapses and relapses, with the earnest, open atheism peculiar to the middle of the nineteenth century; with the bold proclamation of the Catholics that the wor-

ship of the Virgin is an essential dogma of the Church, when for nearly two centuries it had been passed over as an æsthetical flower of past ages; with the renewal of polygamy; with the preaching up of Cæsarism and hatred of representative government, and with the fierce renewal of African slave-trade.

TO G. S. HILLARD.

January 25, 1859.

. . . I am heartily sick of these brilliant speeches, as sick as of New York brilliant furniture and ceilings. I detest them. . . . I am anxious to read your Burns remarks. . . . I went yesterday to hear Beecher on Burns, and paid half a dollar, — and do not think I feel half a dollar richer for it. It was general talk, occasionally extremely well-worded talk, still talk, ornamented with that curse of American oratory of the present time, — something to make the audience laugh. Yet, I have no doubt there were at least two thousand people, mostly of the middle class, and so far a lecture of this kind is very remarkable and valuable; but woe to the nation that holds these things to be the highest efforts of mind, and they *are* held to be such.

We lack as yet entirely in this country a set of men, an institution, or whatever it be, to acknowledge, and stamp broadly and deeply, high, substantial, non-popular merit. . . .

TO SAMUEL TYLER.

New York, July 19, 1859.

. . . I do not feel right inwardly, psychologically. A perjured felon, and very assassin of what I hold dearest of worldly things, has seized upon what is after all a righteous cause, despite of all confusion of ideas in Italy; and the success of this cause implies the being beaten of the Austrians (and rise of the abhorrent Cæsar) who, much as I have always declared Austria to be a historical nuisance, are Germans after all. And then that Russian proclamation concerning the German States, which made me black and pale alternately in shame

and anger! Oh for a broom to sweep out that litter of German princes, — for one great, revolutionary King of Prussia! With all this, and the manifest retrograde movement of the times, and England being for the time dismantled, — with all this around me and within me, to lecture next autumn on The State, on Public Law, on Rights and Duties! . . . Can a man lecture on Navigation while the vessel on which he stands is fast drifting to the leeward on breakers? I have always believed that wishing one's self dead is an ethical incipiency of suicide; but, my dear Tyler, it is very hard for a man to find, toward the end of his career, things around him as they were when he began it, — with this difference, that then all was glowing with a fervent desire to throw off tyranny, and a hope to reach liberty, accompanied with willing self-sacrifice.

TO SAMUEL TYLER.

New York, November 5, 1859.

What else can an old soldier do, when laid on his back, than pester his friends with letters? So here goes No. 3, to poor Sam Tyler. In looking again at Smith's Chronological Tables, it struck me that a synchronistic column of the Progress of Philosophy is wanting. There is one in literature, &c., but none exclusively given to Philosophy. Nor is there such a column in the German Tables by Donai. But Theology and Philosophy stand in almost constant reciprocal relation. This led me farther; and I ask you whether you do not think, with me, that Synchronistic Tables of the Progress of Philosophy would be an admirable addition to literature? Why has the work not been done? I know of none. They would require much work, earnest and comprehensive work; but what does not that is worth anything? You have not the time nor the necessary library near you. Why can we not stimulate some European scholar, some book-elephant that has the digging tusks and the nimble trunk, to undertake the task? Some young man, like Voight, ought to go about it at once. It would take many a year. The best would be a trio of able

men to take the matter in hand. Would I were, as to my position, a Humboldt! Don't you see at once what field for meditation such tables would be? From my earliest university days — even previous to them — I have loved to lie down in a spare half-hour, to hold synchronistic tables over my head, and let my mind travel, collect, sever, and find threads. Many thoughts, which strike my hearers when I now utter them, I can trace to these synchronistic wanderings of years and years ago. They give you views similar to those which would burst upon us could we hover over our globe, with angelic eyesight, and see at one glance what is doing and thinking at one and the same time on this ant-hill of ours. I direct my students always, after having finished an important period, — *e. g.* the last half of the eighteenth century, — to make synchronistic tables of the same, and really wish I could show you some of them. They paste yards of paper together, to be able to get round the earth. Many of them have told me that these tables have opened to them an entirely new field, while others, I warrant you, groan over this innovation. But I must say their zeal is in it, and they take a great pride in making them as well as they can. Of course, now that they know that a synchronistic table awaits them, they prepare for it. Sometimes I have even directed the students to make them in the lecture-room, without my having indicated anything beforehand. I furnish paper and paste, and they must work and spin from their brains alone.

Pardon me, I have run on a wrong track. Once more, let us bring about those synchronistic tables of Philosophy; and write to the Hôtel des Invalides at 48 East Thirty-fourth Street.

TO DR. HENRY DRISLER.

December 4, 1859.

. . . The day before yesterday old Brown was executed. He died like a man, and Virginia fretted like an old woman. He died with that utter calmness which is not the peace of mind and soul obtained through a victorious struggle, as

many a noble martyr dies, but which is the inherent absence of seeing any difference between life and death, which does not look at death as the opposite to life. . . . The deed was irrational, but it will be historical. Virginia has come out of it damaged, I think. She has forced upon mankind the idea that slavery must be, in her own opinion, but a rickety thing. . . .

TO S. A. ALLIBONE.

NEW YORK, January 28, 1860.

. . . Knock out a line or two of the article "Felton," and put in, "President of Harvard University." Oh, I know quite well how you feel when a man you have finished will write an additional book, or is raised in the scale of mortals, or laid low in the grave. Did they not trouble me until volume thirteen of Encyclopædia Americana was out?

I had a long letter from Mr. Binney. Please tell me how old he is. Is he not past eighty years?

I have just received a work on "Slavery with the Eminent Hebrews, from Biblical and Talmudic Sources," by Dr. M. Mielziner; Copenhagen, 1859. It seems to be a capital book. Mielziner is a Jew, perhaps a rabbi. How he knocks the "divinity" of the institution into a cocked hat, of course never mentioning the blasphemy of our divines who want to make it divine. I do not believe there is a serious scholar who would deign to mention that scurrility, any more than an upright publicist would condescend to refute Senator Mason's assertion that slavery ennobles both races. Why not say at once that the clanking chain you hear in the cars, from Petersburg downward, would have improved Beethoven's best symphony had he but known its harmony?

TO SAMUEL TYLER.

NEW YORK, January 16, 1860.

. . . Chief Justice Taney's information is valuable to me, because it confirms what I said about Montesquieu. Thank him for it. You need not add how illegal, unjuridical, un-

philosophical, and unethical I hold his decision in the Dred Scott case.

I suppose we differ somewhat, perhaps a good deal, about present affairs. Why not? I hold the spirit which dictated the Philadelphia and New York Union-saving meetings in detestation, and men that can talk such immoral trash as O'Connor deserve ——. I suppose he thinks he deserves the chief-justiceship should Taney fail. It is a remarkable thing that Southern Disunionists are petted and promoted; but Northern men who simply think that slavery is exceptional and must be treated as such (as the world has now thought nearly two thousand years) are first called Disunionists, and, because Disunionists, Traitors. I write this merely with reference to a passage in your letter. . . .

TO HON. JAMES H. HAMMOND, SENATOR FROM SOUTH CAROLINA.

April 18, 1860.

. . . I am writing this with burning eyes, for I hardly slept an hour last night. Your postscript kept me awake, — not fear, not trembling. Advancing age and constant study of history are not calculated to make a man more tender; but my mind returns to your postscript, as the mind of a man, a Christian, a soldier, a historian, a philosopher. What I have always said becomes daily clearer to my mind, that, if ever we have civil strife, it will be the Middle Ages minus chivalry, little regard as I have even for that. It will be a historical blackguard row. O my friend, the Brooks type is not the type that can stand judgment. Webster said, in your senate: "They may repudiate; well, but that does not pay the debt." And so I say: "A man may be shot, but that does not settle an argument." Vengeance is in all spheres the poorest counsellor, but especially so in politics; and slaying makes the dead eloquent. It is most untrue that a dead man tells no tales. No one speaks louder than the dead; and as no one can escape the Last Judgment, so no act can escape the last but one judgment, History, — and that which is his-

tory in fusion, Public Opinion, which is the judgment of our race. I am not accustomed to shake in my shoes, but I am a truthful man that cannot contrive to deceive himself. Levity has always been abhorrent to me.

Strangely enough, I must now go to the college, where I have to lecture on Stapz, who attempted to kill Napoleon, and on Sand, who murdered Kotzebue. He was a dear friend of mine, yet I shall have to call him by his real name. . . .

FROM HON. J. H. HAMMOND.

WASHINGTON, April 19, 1860.

. . . I don't remember what I said in my postscript, which seems to have affected you so much, but in all your comments I entirely concur. The Lovejoy explosion, and all its sequences which were so threatening last week, has been for the present providentially cast in the shade by the intensified and utterly absorbing interest in the Charleston Convention. That phase has blown over *for the moment*. But I assure you, and you may philosophize upon it, that unless the slavery question can be wholly eliminated from politics, this government is not worth two years', perhaps not two months', purchase. So far as I *know*, and as I believe, every man in both houses is armed with a revolver — some with two — and a bowie-knife. It is, I fear, in the power of any Red or Black Republican to precipitate at any moment a collision in which the slaughter would be such as to shock the world and dissolve this government. I have done, ever since I have been here, all I could to avert such a catastrophe. But, I tell you, knowing all about it here, that unless the aggression on the slaveholder is arrested, no power, short of God's, can prevent a bloody fight here, and a disruption of the Union. You know what I have said about all this, and that I do not advocate such a finale. But seeing the oldest and most conservative *senators* on our side, — we have no intercourse that is not official, as it were, with the other, — seeing them get revolvers, I most reluctantly got one my-

self, loaded it, and put it in my drawer in the senate. I can't carry it. Twice in my life I have carried pistols until I became a coward, or very nearly, and threw them aside. But I keep a pistol now in my drawer in the senate as a matter of *duty* to my section. I concur with you about the Brooks type, that vengeance belongs to the Almighty, and all that. I will do, as I have done, all I can in that line; and while regarding this Union as cramping the South, I will nevertheless sustain it as long as I can. Yet I will stand by my side — as you would — to the end. I firmly believe that the slaveholding South is now the controlling *power* of the world — that no other power would face us in hostility. This will be demonstrated if we come to the ultimate. I have no wish to bring it about, yet am perfectly ready if others do. There might be with us commotion for a time, but cotton, rice, tobacco, and naval stores command the world; and we have sense enough to know it, and are sufficiently Teutonic to carry it out successfully. The North, without us, would be a motherless calf, bleating about, and die of mange and starvation.

But I am going off. Your speech satisfies me about Doctor Hayes's expedition, and I will give it my help.

TO S. TYLER.

New York, August 17, 1860.

. . . Garibaldi seems to me the only prominent person in Europe or here that is not *blasé*. He is fresh, *fortis et tenax*, and, it seems to me, *justus et probus*. You may readily imagine that a native German cannot speak of him and Italy, at present, without jealousy. The Italians seem to obtain that for which the true Germans have longed as much and to which they are far better entitled — unity, a country, national strength, and truth. The letter of Napoleon III. is exquisite. He lies, but he lies in such a straightforward way, with such simplicity and *naïveté*. His uncle, you will recollect, was also much given to writing autograph letters,

about the beauty of peace, &c. But the impudence of the fellow, in speaking of *mes soldats*, *mes armées!* His uncle used to delight in speaking of *mes peuples*. I have received and perused a German work proving Nero to have been a most noble and humane ruler and man, Tacitus a shameless liar, Suetonius a cringing secretary. Have you ever seen the work of the Benedictine Hardouin, who proved the whole classical literature to have been invented by monks in the Middle Ages? You know how often I exclaim *tout arrive*, which I have learned from Talleyrand. Cheer up, my friend. I have just concluded to place in a new entry to my lecture-room the bust of Washington, with these words painted under it on the wall: "Fortis et Probus — Justus et Tenax." Let us be *fortes et tenaces* too.

TO S. A. ALLIBONE.

Owlry, November 25, 1860.

You begged me to send you back your remarks on Indexes. I return them, but not quite readily. It is one of those things which I like to paste in some book. Your remarks are very true. If you knew the un-indexed German literature, as I do, you would have scolded still louder. Some one has called indexes the life-preservers of books. Even Mommsen's most excellent Roman History has no index. . . . Two notable things have happened at the same time: the barbarous relapse of South Carolina; and that great historic scene, where, in sublime simplicity, Italy's resurrection is symbolized in Garibaldi's meeting the King of Sardinia and pronouncing but two words, *Rè d' Italia*. How great this scene appeared to one who, through his whole life, has read again and again Dante and Machiavelli! How envious it made a native German feel! . . .

You say, "Translate Mohl." Do you know, my friend, what you are saying? Nearly three thousand pages *large* octavo, close print, and *I* translating at this time of the day! And pray, most learned American, how many out of your thirty-

two millions of countrymen would buy Mohl? Not *twenty-five.* I neither joke nor reproach, but give a simple bibliopolic fact, — not twenty-five ! No, not twenty. . . .

TO HIS SON OSCAR.

New York, Autumn of 1860.

My dearest Boy, — And if I knew a more endearing term, that term I would use now to address you. I feel your grief most bitterly, but there are sad heart-burnings in all excited times. I have often thought what heart-burnings there must have been in many a family at the time of the Reformation, or must be now in Italy, or was, as we well know, in the period of the English Revolution, — heart-burning the greater, the more truthful and upright the members of the household that may differ. Ours is an intensely political age, and a very denouncing age. A difference of opinion or conviction is instantly denounced as a crime or a shame — not only in politics, but in religion, in almost everything ! And my misfortune is, that while I am so made that I cannot otherwise than speak out what I hold to be unconditionally the truth, or else be wholly silent, I am by profession a publicist, and therefore all the time obliged to speak or write on topics connected with politics. Yet, as I once stated, even in print, I absolutely belong to no party when I am teaching. I am clearly conscious of this, and all that know my teaching must testify to this. Believe me, it requires under these circumstances some steadiness of soul and a good deal of calmness, perhaps some resolution, to lecture, for instance, on Sovereignty, as I but yesterday concluded the fifth and last lecture on this subject in the Law School. But I am not only no partisan in my teaching ; even as an individual citizen I take no share in party politics. I neither write nor speak for or against any one, nor do I try to move a single vote one way or the other. Yet I have always taught it as a fundamental rule that wherever a citizen has a right to vote he has the duty to vote. No polity based on election can be maintained without it. I am denounced at this moment at the

South in very virulent language, which so naturally has given you, my dear son, such inexpressible pain. Depend upon it, whenever circumstances should so combine that it should become my duty publicly and emphatically to state my free-trade convictions, — or, rather, again to state them, for they are before the world in print, — I should be attacked in the North as violently, perhaps not as abusively, as I am at this moment in your portion of the country.

I have decided to vote for Mr. Lincoln. Mr. Breckenridge is supported by an administration which I consider very corrupt, which has dealt with the Kansas question fraudulently and against all principles previously maintained. Were Mr. Breckenridge elected I feel sure we would have the African slave-trade opened; indeed, it has been practically opened under Mr. Buchanan, chiefly supported, I believe, by Northern capital; and the party which supports Mr. Breckenridge threatens dissolution should Lincoln be elected. As to the African slave-trade, you know very well that I have always maintained that there is no blot so black in the history of Europe as the establishment of the negro-trade; and nothing in the history of our race has required such strenuous and protracted exertion as the abolition of this historic crime. I should consider my very soul imperilled did I speak otherwise about it. All my friends, South or North, know this. As to the threat of dissolution of the Union should Mr. Lincoln be elected, I do not reply "Try it, let us see;" on the contrary, I believe the threat is made in good earnest, and that it is quite possible to carry it into execution. What I say is this, that if the Union depends upon such conditions it is virtually dissolved, that some gust of wind or other must come and blow down the rotten tree. It sometimes has occurred to me that what Thucydides said of the Greeks at the time of the Peloponnesian War applies to us at present. "The Greeks," he said, "did not understand each other any longer, though they spoke the same language; words received a different meaning in different parts." I quote from memory. We have become so arrogant, so worldly, that our state of

things may be somewhat like that of Prussia before 1806, — I mean a state of things from which nothing can save us but God and adversity. . . .

TO S. TYLER.

New York, June 28, 1860.

. . . How happy — I do not say how blessed — are the superficial! They dabble in the pools and ponds behind the dams, and think they navigate the great, everlasting ocean. I send you a slip I just cut from "The World." Do you know that they appoint in the Missouri University for six years only? And do you further know that, were it not for the difficulty of getting first-rate men on that condition, I should heartily approve of this arrangement in America. A large number of American professors become indolent, sluggish, and good for nothing, once appointed; while it is found almost impossible to send away a professor, except for positive misdemeanor. . . . You shall vote for Breckenridge? Do so; I shall not. I consider Buchanan's policy disastrous and detestable. My friend Hillard, you know, is busy with the Bell-Everett ticket. I consider this a poor joke. We shall have five, perhaps half-a-dozen, candidates. Generally a lack of energy to co-ordinate and subordinate one's self indicates effete periods.

TO S. A. ALLIBONE.

New York, Owlry, July 12, 1860.

My dear Sir, — . . . I consider Woolsey by far the most prominent of presidents of American colleges. He is a faithful scholar and pure man, and modest withal.

Have you read Everett's oration? There are passages in it of exquisite oratory, — possibly a degree too fine, for the exquisiteness itself attracts attention. As to the contents, I am sorry for them. This is not the time to varnish Wisconsin's corruption. What we Americans stand in need of is a daily whipping, like a naughty boy. It were very wicked to pray to God for a chastising calamity to befall our whole

nation, as it fell on Prussia in 1806, and led to regeneration; but as a historian I have a right to say that when nations go on recklessly as we do, — dancing, drinking, laughing, defying right, morality, and justice, money-making and murdering, — God in his mercy has sometimes condescended to smite them, and to smite them hard, in order to bring them to their senses, and make them recover themselves. . . .

TO G. S. HILLARD.

New York, December 27, 1860.

. . . I am very unhappy. My son Oscar is so imbued with all that I hold worst in South Carolina, that hardly anything is left between us but the thread of paternal and filial affection. I enter thus upon the last stage of old age! Such things must have happened in the Reformation; but that does not mitigate its bitterness. Unfortunately, too, my whole life has been spent, and my very profession obliges me to pass my days, in meditating on all that is going to ruin in corruption and by violence, — as it ever has been, and as it is. . . . How happy Agassiz is, who can shut himself up with his toads and turtles, and investigate that portion of nature which knows of no question of right or wrong, freedom or baseness, national unity or separation, treason or loyalty, purity or stealing, manliness or ignominy. I wish his work were not so monstrously dear. . . .

CHAPTER XIII.

TO S. TYLER.

New York, April 14, 1861.

My dear Friend, — When your letters arrived I was busy writing out some lectures, the contents of which differ in many respects from what you seem to think right and true in our history and public affairs. I felt thus indisposed to write, and have now sent you a copy, — I beg you to be assured, — not to discuss things or challenge dispute, but simply and exclusively because not sending it to an old friend would have appeared to me unfriendly and cold. I take it for granted that you believe each word I have said to have come from my soul. You disagree; be it so. I am obliged to take far severer things. Oh, it is sad indeed to know a son in arms, and not to be able to pray for God's blessing on his arms, — to know that victory on his side is victory on the side of wrong. Let us not discuss these things. I have no ambition to bring you over to my side; there is no chance for you of bringing me over to your side.

You complain of the bad grammar of President Lincoln's Message. We have to look at other things, just now, than grammar. For aught I know, the last resolution of the South Carolina Convention may have been worded in sufficiently good grammar, but it is an attempt, unique in its disgracefulness, to whitewash an act of the dirtiest infamy. Let us leave grammar alone in these days of shame, and rather ask whether people act according to the first and simplest rules of morals and of honor.

I had an idea of spending the summer vacation in Europe, but I believe I shall give up the trip. I feel ashamed and

would be worried by constant talk about this wanton, criminal Rebellion. Good-by. No one wishes you more heartily the choicest blessings of heaven than I do.

TO G. S. HILLARD.

New York, May 11, 1861.

I must write to you, my dear Hillard, although I have nothing to state, to give, or to ask, except, indeed, whether you are well, bodily of course — for who is mentally well nowadays? Behold in me the symbol of civil war: Oscar probably on his march to Virginia under that flag of shame, Hamilton in the Illinois militia at Cairo, Norman writing to-day to President Lincoln for a commission in the United States army, we two old ones alone in this whole house; but why write about individuals at a time like this!

Mr. Everett sent me for perusal a pamphlet written in 1821, by McDuffie, so hyper-national in tone and political concepts that it confuses even an old student of history and his own times, like myself. . . . There are two things for which I ardently pray at this juncture: that there be soon a great and telling battle sufficient to make men think again, and somewhat to shake the *Arrogantia australis* out of the Southerners; and secondly that, if we must divide, we change our Constitution and shake the absurd State-sovereignty out of *that*. Ah, there are other things, too, for which I pray. I bite my lips, that Italy has stolen such a march over Germany. . . .

TO CHARLES SUMNER.

New York, May 24, 1861.

Dear Sumner, — I have hesitated a long time whether I ought to write to you in an affair, trifling for every one except myself and my son. I think, however, that I ought not to hesitate, and thus I write. My son Hamilton is among the Illinois troops at Cairo; for my son Norman, the youngest, I have solicited a lieutenant's commission in the army. Papers have been sent to the President, to Mr. Cameron, and

to Mr. Seward, from presidential electors and several well-known citizens here. But if the ancients said, "Letters do not blush," moderns may with equal correctness say, "Letters do not push." My presence at Washington would not be of any use either. A professor has no influence in America; a literary man, even a publicist, has no more; and a New York professor or writer the least of all. Should you think it worth your while, in case you see Mr. Cameron, to say a word to him?

Norman is an admitted lawyer, a young man of strictly honorable principles, gentlemanly, and, like his father, ardent for the Union and for freedom. I say it as an old soldier, that he is in every way competent to do justice and honor to a commission in the army. If this reaches you, I should like to have a word from you.

TO CHARLES SUMNER.

June 2, 1861.

Since I wrote the enclosed I have perused the news brought by the "America." It is humiliating for us, who wish to honor England, to see her lowering herself thus. England has somewhat recovered from her Crimean loss of prestige, and she ought more carefully to husband her honor now. How bitterly the cup she is brewing now may one day be pressed to her mouth by the Irish, that her lips will bleed and her teeth will ache. England's conduct toward us forms a disgusting contrast to her repeated fawning on Napoleon, — England petting the South in her godless rebellion, and while even Virginians come out in favor of reopening the slave-trade! . . . We now want more than ever a large, sharp, and telling victory. That would change the premises, not only of Southern, but also of English syllogisms. I believe the cotton interest, the unpleasant consciousness of having played the second fiddle for a long time, the silly doctrine of State-sovereignty which seems to be acknowledged by almost all English papers, the snobbish idea of the gentlemanliness of the South, and the irritation at our tariff — all combined —

have produced the remarkable state of feeling exhibited in the House of Lords. I find that the English news produced here only greater earnestness — no doubt still more so with you. What I fear most is that the next Congress will talk. There are some very vile fellows in it, *e. g.* our Wood. If they could only be made to abstain from all discussion of principle and let every vote be an act! I send a copy of a pamphlet of mine. The Psalm of to-day, read in church, had this beginning: "Why dost Thou stand so far away, O Lord?"

TO G. S. HILLARD.

New York, June 12, 1861.

. . . My morning papers have not yet arrived. Is this delay connected with the unsuccessful fight at Newport News? We shall have many such news yet. Napoleon speaks very frequently of troops that are or are not yet *aguerris*. It is a fine term, full of meaning, and it will require many losses, blunders, — yes, and punishments of the commissariat, — before we have *une armée bien aguerrie*. If only two things be clearly carved out by this struggle, — the distincter nationalization of this country, and the wiping off of slavery from Maryland, Virginia, and Kentucky, and Missouri, — all the struggle and heart-burning would be like a breeze. But *if* and *only*. . . .

TO CHARLES SUMNER.

New York, June 22, 1861.

. . . If we can only weather the rock of sentimentality, or pretended sentimentality! You hear it continually asked here, "How can we ever unite again?" Why not? It has been done over and over again in history. There will be a scar left; but well-healed scars are no inconvenience, and sometimes they look well on a manly face. The countenance of every nation has its scars. . . .

TO CHARLES SUMNER.

November 29, 1861.

. . . Let Congress declare that all negroes coming into our lines are free, because they cannot be otherwise, if fleeing from rebels. I think this would be a stride.

TO CHARLES SUMNER.

New York, December 14, 1861.

As to that proposition to melt together the United States army and the volunteers, I wish to heaven I had the ear of some influential man in this matter. Nothing is more dangerous to modern civil liberty than a large democratic army; *vide* France. The traditional fear of standing armies, thoroughly founded in times past, when Louis XIV. and James II. were justly haunting the minds of upright men, must be changed into a fear of a large, thoroughly democratic army. In countries pervaded by an institutional spirit and system of self-government, — with a true, not nominal, representative national body, which keeps the army under its thumb as to size and appropriation, — the danger is not in the standing army, of itself. Look at England. Make our present large army a homogeneous, vast, democratic army; give it some successes; let some striking victory knit them well together, man to man, and to the general, — and every person versed in the analytical chemistry of history will tell you that a Bonaparte dictating after a Lodi is unavoidable. No congress, no parliament, can keep under an organized, vast, democratic army, especially when no sea intervenes. There is nothing so revolutionary as such an army. The sword is always arrogant. A soldier is writing this, — but a soldier who is a historian too, and a citizen, philosopher, and a man who is willing that this should be "hung out" after he is gone — as they used to *hang out* the proof-sheets in the early days of printing — for all that might choose to find errata. I stake my name to this. . . .

TO CHARLES SUMNER.

New York, December 19, 1861, Afternoon.

. . . I do not wish to be misunderstood on the slavery question. My opinion — I give it as the individual opinion of a citizen — is that negroes coming into our lines must be, and are by that fact, free men; for, on the one hand, the United States cannot become auctioneers of human beings, and, on the other hand, our soldiers cannot see in a human being anything but his humanity. Is the being that flies to us a human being? that is, does he talk; has he reason; is he, black or white, a man, or is he a gorilla? You may remember I stated this, in my "Political Ethics," to be the practical, the legal distinction. Or, to make it more distinct, does he belong to a class of beings who, in their normal state, *speak?* If he is a man, I say, then the army cannot, in its very essence, occupy itself with that mixture of humanity and thing, or chattel, characterizing slavery, and creating all the difficulty inherent in that institution (in antiquity as well as in modern times), — a mixture which even the Roman law acknowledges not to be owing to the law of nature, but to municipal law. That mixture of the two ideas, *man* and *thing*, which the chemist would call unmixable (like oil and water), is a forced one, — forced by municipal law or violence, — and ceases, I take it, by the inherent character of war, which, by its physical contest of men with men, reduces men again to their simple status of men. Suppose an Austrian peasant, with all his feudal obligations thick upon him, had presented himself to the army of Napoleon, and the feudal lord had asked his surrender; what would Napoleon's general have answered? The only difficulty in this case — as altogether in the slave question — arises from the black skin; but the law of nature does not acknowledge the difference of skin, and war is carried on by the law of nature. Those who commenced this Rebellion ought to have reflected upon this. It is now too late to talk — in *the midst of war* — of rights made or guaranteed by municipal or Constitu-

tional law. They might as well ask for a writ of *habeas corpus* for a spy we may catch. . . .

TO CHARLES SUMNER.

New York, December 27, 1861.

I wrote to you yesterday, my dear Sumner, and now intend to reply to your letter of the 24th. I must overcome a feeling of restraint, arising from the consciousness that I may present views which, by the time they reach you in your central position, may prove wholly out of the question. The difference of our positions makes the short distance from New York to Washington as long as that which separates a governor-general of the East Indies from the cabinet of St. James. My morning paper reports you to have said that all will come out right as to the "Trent." If this be true, and if you had arbitration in view, you have probably found reason in your intercourse with Lord Lyons to modify your opinion on the infeasibility of arbitration, expressed in your letter to me.

Civilization will yet arrive, one of these days, at something like an international application of the principle of the Athenians, when Themistocles said that he knew something very useful to Athens, but doubtful as to justice, and they appointed Aristides to receive the secret and to decide what they should do. I wrote to Mr. Cushing at the time of our Oregon troubles, — when we behaved like schoolboys, and the English like men (very different from now), — what a blessed and simple thing it would be if nations could be brought to lay such things before the law faculty of some foreign high university; as some German States sent, in last appeal, important cases to the law faculty of some university *not* in the country. What, indeed, does an arbitrating monarch do? He gives, of course, the case to his Minister of Justice; and he again, if he is honest, gives it to some eminent jurists. How much more direct — ay, and dignified as well as truthful — would it be to appoint two jurists, with the injunction to elect jointly a third, to decide on knotty

international questions! You know I am very positively against a permanent international court of arbitration, in the present state of our civilization. However, all this may be Utopian in the present case. If, then, decision by appeal to reason be still possible, I say, as I said to you before, take Prussia. Everything points to her. If Napoleon has really offered himself, it complicates matters. France would be, in this very case, an inadmissible judge; yet France would take the preference of Prussia, after Napoleon's offer, as a slight. There never was a case inherently more fit for high adjudication. . . . Well, let us argue the case in court, — a high, impartial court, — and settle a principle. International law is the greatest blessing of modern civilization, and every settlement of a principle in the law of nations is a distinct, plain step in the progress of humanity. The Duke of Orleans said to Cardinal Dubois, when he commenced his regency, *Un peu de droiture, mon ami.* I wish I could say to the Americans and the English, *Un peu de raison, mes amis, un peu de raison.* Pardon me that I quoted a scamp. . . . As to that international commission, or congress, of which I spoke, I did not mean it as in the least connected with the Trent business. I only meant that this business — when a captain of ours thought it clearly and honestly his duty, and the right of his country to do what he did, and when he executed it really with international delicacy — having brought nations to the brink of war, and seemingly bewildered the people of Great Britain, this would be a fair occasion to propose a congress of all maritime nations, European and American, to settle some more canons of the law of nations than were settled at the Peace of Paris, — canons chiefly or exclusively relating to the rights and duties of belligerents and neutrals on the sea; for there lies the chief difficulty. The sea belongs to all; hence the difficulty of the sea police, because there all are equals. I mean no codification of international law; I mean that such a congress, avowedly convened for such a purpose, should take some more canons out of the cloudy realm of precedents than the Peace of Paris

did, almost incidentally. Suppose Russia, Austria, Italy, Prussia, France, Spain, Portugal, Denmark, Sweden, England, the United States, Brazil, Turkey, — all could be induced to send, each power, two jurists (with naval advisers if they chose), does any one, who knows how swelling civilization courses in our history, doubt that their debates and resolutions would remain useless, — even though the whole should lead, this time, to no more than an experiment? All those ideas that are now great and large blessings of our race, having wrought themselves into constitutions or law systems, belonged once to Utopia. Have I ever told you that I always direct the attention of my hearers to a branch of political science which I term Utopiology, — the knowledge of all the Utopias of philosophers, with their advance-guard ideas and their errors? To respect private property at sea, even in peace, was once very Utopian, even when Greece flourished in Periclean splendor. I go farther still, and say that even such a proposition, if made with dignity and simplicity, in a dignified place, free from all influence of "societies," but in a manly, statesmanlike way, would be of use, though not adopted. The history of ideas in our civilization points almost always to very narrow incipiencies, like the beginning of the Osman empire, — a standard planted before a tent, and an Osman that did it. There is a historical *embryology* that is very instructive. I can imagine some twenty canons settled by such a congress, — formulations like those of the Peace of Paris, — that would save much blood, much treasure, much anger. There is no sickly philanthropy in this; you know that I have no morbid feeling about war; what I wish, I wish as an earnest publicist, and in the name of international statesmanship.

TO CHARLES SUMNER.

New York, December 28, 1861.

A Petition.

After I had sealed the large letter of this date to you, my dear friend, I read the paper of to-day more carefully, and

must needs add this fervent petition — of a single man, to be sure — to the chairman of the Committee on Foreign Affairs, namely, — that should the Trent affair be settled by sense and reason, he, the said chairman, will move heaven and earth, that it be not done without settling a principle. Let us have that, at least, for all the trouble and all the expense which England doubtless has already incurred in the premises. Let some portion, at least, of that poisonous question, Search and Visit, be settled, — what may be done, and what may not. I know you have thought of all this; but I could not help addressing this petition to you, — and I shall ever pray, &c., &c.

TO CHARLES SUMNER.

New York, April 1, 1862.

. . . Regarding slavery, I repeat, let us compress it as much as we can. Let us free, in actual war, as many negroes that come to us as we can; let us emancipate the District; let us keep free every Territory; let us contrive and adopt some bonus for emancipation; let us distinctly emancipate the negroes of the open, avowed traitors; and what with increased cotton culture elsewhere, and the blow which the institution must receive from our victory, after having proclaimed itself a divine institution, it will dwindle and die out, — not perhaps without asking us to pay for the emancipation. . . .

TO ATTORNEY-GENERAL BATES.

New York, April 8, 1862.

Sorry as I was to see your note of the 5th instead of yourself, I was nevertheless glad to hear once more from you. I agree with you regarding the absolute necessity of having the Mississippi. From the very beginning of the Civil War I have been convinced that the two main problems immediately to be solved were the possession of the whole Mississippi, and the conquest of Virginia and North Carolina. That done, the

rest of the military work would soon and naturally follow. When I was lately in the West in search of one of my sons, wounded in the capture of Fort Donelson, I found the spirit of the soldiers excellent. The idea that the Mississippi belongs to them, in the fullest sense of the term, pervaded all, officer and private; and every one seemed fully to rely on General Halleck for the execution of that great work. General Halleck is a *man*. Why, however, every one asks, can we not keep step with the Western people? It would have been delightful to me to be able to converse with you on some points not belonging to the military portion of the history of this war, but not the less important, perhaps far more important. But it was not to be. Have you observed that I am attacked on the Habeas Corpus topic? Mr. Binney informs me that he is going very shortly to publish his No. II. on the suspension of the Habeas Corpus privilege. Many pamphlets have been published against him. I do not know whether he wishes this to be known, but the pamphlet will soon be out. My son Hamilton lost his left arm at Fort Donelson; and you may have observed that General Halleck has nominated him aid on his staff, with the rank of captain, for distinguished services in the capture of Fort Donelson, in which he was twice wounded. . . .

. . . His bravery is very highly spoken of. Of course his wound is not yet healed, but he does well. I have written to Mr. Childs to send me, if he can, a copy of the article "Lieber" in the forthcoming volume of Dr. Allibone's Dictionary. It contains a pretty full list of my works, for which you inquire in your letter. As soon as I receive it, it will be sent to you. The great question, what is to be done after we shall have taken possession of the revolted portions of our country, must present itself daily more seriously to the mind of the President, and to all his advisers. I have told my friend Charles Sumner that I cannot agree with his first position; there is too much State Rights Doctrine in it for me. But I am far from agreeing with those who seem to think that a revolted State, after such a catastrophe, may

jump back into the old state of things, like that famous old man, you will remember, who

> . . . jumped into a bramble bush
> And scratched out both his eyes;
> And when he saw his eyes were out,
> With all his might and main
> He jumped into another bush,
> And scratched them in again.

TO CHARLES SUMNER.

New York, January 8, 1863.

My dear Sumner, — This will be, indeed, a trial of your temper. If you have not smitten me in your heart, you are a good, kind-hearted fellow. I am just now excessively busy with a number of widely different subjects. You know how this *rags* the mind. Excuse me; it is all I can say for the past, and for the additional request, which I fear you will call impudent, — to try to get a copy of Mr. Read's MS. for me. Would the author give me one, if applied to? You ask me what I think of it. I will simply state what I still think of the suspension of the Habeas Corpus in our country, and at the present juncture.

First. The analogy between the crown of England and our Executive, regarding the suspension of the Habeas Corpus, does not exist and never existed.

Second. Although there exists in England a division of powers, and clearly has existed there earlier than in any other country, yet Parliament, combining the three estates, has absolute and sovereign power, unstinted and unlimited. It can suspend and does suspend Habeas Corpus.

Third. Our Constitution prohibits this emphatically. Neither Congress nor Executive (the latter is not included in Congress as the King is in Parliament) shall suspend it, forevermore, except,

Fourth. In cases of insurrection or rebellion. Who, then, shall have the right to suspend the Habeas Corpus?

Fifth. Every one who maintains that it can be proved with absolute certainty that the framers of the Constitution

meant that Congress alone should have the power, and in all cases of insurrection, &c., is in error. There is doubt — two-fold doubt. It cannot mathematically be proved from the Constitution itself, or from analogy which does not exist, or from the debates, or history.

Sixth. The Constitution most clearly does not contemplate a state of things such as exists now. No framer ever thought of such a thing, or could have thought of it.

Seventh. If the power belongs to Congress alone, all it can do in cases of great emergency is the general grant of suspension to the Executive. Congress cannot enact the suspension in each case. It would amount to hardly anything more than the Congressional right to declare whether there is a rebellion or not, for the court has already declared that if there be an insurrection, it may be suspended.

Eighth. What is to be done if an insurrection takes place while Congress is not sitting, as was the case in the present Civil War, or when Congress cannot be assembled? This case may be readily imagined.

Ninth. I defy any assemblage of as stout lovers of liberty as I am, as patriotic as William the Silent, and as calm and unselfish as Washington, to say that a country can be saved in her last extremity, when the ship of state is drifting toward breakers, without the Executive's possession of the power to make arrests, disregarding the ever-glorious bars with which Anglican civicism has hedged in each citizen. This is dangerous; who does not know it? but all things of high import, all truths of elementary or highest character are dangerous. All medicine, all power, all civilization, all food, — all are dangerous.

Tenth. But this power in the Executive is less dangerous in the United States than in other countries; and no more dangerous in the Executive than in the Legislature, because responsibility centres, in the Executive, in an individual. Who can impeach a Congress? You can do it as little as you can try a people. God alone can do that, and does it severely, too.

Eleventh. If, in such a state of things as indicated in *ninth*, the Executive has not the power alluded to, that will happen which always happens — it must arrogate it; and usurpation is a greater danger still.

Twelfth. This whole question must not be arrogated by lawyers as a subject belonging to them alone, — or, I should say, to the lawyer alone. It is a question to be argued, weighed, and disposed of by the citizen and patriot within each of us, and by the statesman, in the loftiest sense. No party platitude or wheel-rattling of favorite theories, no special pleading of the keenest one-sidedness, no oratory of the finest flight, no insisting on the pound of flesh, can decide this question. . . .

TO GENERAL HALLECK.

New York, February 20, 1863.

My dear General, — Here is the *projet* of the code I was charged with drawing up.[1] I am going to send fifty copies to General Hitchcock for distribution, and I earnestly ask for suggestions and amendments. I am going to send for that purpose a copy to General Scott, and another to Hon. Horace Binney. For two or three paragraphs you will observe we should want the assistance of Congress. That is now too late; but I suggest to you to decide with the Secretary of War whether it would be advisable and feasible to send the Code even now, and as it is, to our generals, to be a guide on some difficult and important points. I observe from some orders of General Rosecrans that he has used my pamphlet on "Guerilla Warfare," unless there be a remarkable spontaneous coincidence. . . . I do not believe that it will be possible to change for the present war, or at least immediately, the usage which has grown up regarding parolling privates, but you will agree with me that the law, as I have laid it down, *is* the law and usage. As parolling is now handled by us, it amounts to a

[1] This refers to the pamphlet entitled "Instructions for the Government of Armies of the United States in the Field," published by the War Department, in April, 1863, as General Orders, No. 100.

premium on cowardice, *e. g.* in the affair of Harper's Ferry. . . . You are one of those from whom I most desire suggestions, because you will read the Code as lawyer and as commander. Even your general opinion of the whole is important to me. I have earnestly endeavored to treat of these grave topics conscientiously and comprehensively; and you, well read in the literature on this branch of international law, know that nothing of the kind exists in any language. I had no guide, no groundwork, no text-book. I can assure you, as a friend, that no counsellor of Justinian sat down to his task of the Digest with a deeper feeling of the gravity of his labor, than filled my breast in the laying down for the first time such a code, where nearly everything was floating. Usage, history, reason, and conscientiousness, a sincere love of truth, justice, and civilization, have been my guides; but of course the whole must be still very imperfect. . . . Ought I to add anything on a belligerent's using, in battle, the colors and uniform of his opponent? I believe when this has been done no quarter has been given. I have said nothing on rebellion and invasion of our country with reference to the treatment of our own citizens by the commanding general. I have three paragraphs on this subject, but it does not fall within the limits, as indicated in the special order appointing our board. . . .

TO CHARLES SUMNER.

New York, April 19, 1863.

. . . I do not think that your remarks concerning foreign ministers having intercourse with the opposition apply to the case of Lord Lyons. Would or would not the premier of England have sent word to a monarch that his minister was no longer agreeable to his majesty, if this minister in London, a century ago, had held covert intercourse with Scottish sympathizers or adherents of the Stuarts? I believe that a minister must be very circumspect in his intercourse with the opposition, — as opposition, and in excited times. Depend upon it, Pitt would not have allowed a foreign minister to be closeted with Fox and Sheridan, discussing high

politics of England, without making complaint. I give you an anecdote which will be interesting to the chairman of Foreign Affairs. President King tells me that when his father, Rufus King, was American Minister in London, he paid a visit to Paris after the Peace of Amiens, when Fox likewise went. Fox went to see Consul Bonaparte. The latter desired that King would have himself presented, or the chief officers of the consul told King that they would gladly present him. King, who was then engaged in making a treaty with England, declined, because he knew that Bonaparte was very disagreeable to George III., and he thought he had no right to do anything that could interfere with his relation to the British court or ministry. When he returned to England and went to court, George III. went up to him and said: "Mr. King, I am very much obliged to you; you have treated me like a gentleman, which is more than I can say of all my subjects." I give the words exactly as President King gave them to me, and he says that he gave the words to me as exactly as he could remember them, the anecdote being in lively remembrance in the family. He thinks he can now repeat the very words in which his father told the affair immediately after his return from court, and that they are the *ipsissima verba* of George III.

My belief is that, had we to consider nothing but diplomatic propriety, Lord Lyons's case is one which not only would authorize the President, but ought to cause him to declare to the Queen of England that Lord Lyons "was no longer agreeable to the American Government." This occurrence belongs to the large class of facts which show, and have shown for the last two hundred and fifty years, that monarchies always treat republics as incomplete governments, unless guns and bayonets and commercial advantages prevent them from doing so. You remember the Netherlands? Lord Palmerston would not have spoken of a puny *kingkin* as he did of us in the recent Alabama discussion. Do you believe that the course of England toward us at present would have been anything like what it has been, and continues to be, had we

had a monarch, though there had been an Anne or a Louis XV. or a Philip on our throne? Unfortunately, I must add that it is a psychological phenomenon which is not restricted to monarchists. The insolence of the South would have presented itself as rank rebellion to the grossest mind, had we had a monarch, or a president for life. Man is a very coarse creature. I can never forget that I found in Crabbe's "Dictionary of Synonyms," that "properly speaking rebellion cannot be committed in republics, because there is no monarch to rebel against." What does my senator and publicist think of this? A girl, "not of an age at which any respectable millinery establishment would be intrusted to her," as Lord Brougham expressed it, is a more striking name, figure, sign, to swear allegiance to, than a country, a constitution, and their history, or the great continuous society to which men belong, let them be ever so old or glorious. Five hundred years hence it may be somewhat different. For the present, it is true that, could you extinguish the whole royal family in England, but keep the nation ignorant of the fact, and rule England by a ministry and parliament in the name of Peter or John, Bull would be far warmer in his allegiance than he would prove to the State, or Old England, or Great Britain. Observe how degrading for our species the beggarly appointment of a king of Greece is, — a Danish collateral prince! Our race worships as yet the Daimio as much as the Japanese do. Though a perfect *Roi fainéant*, it is a *Roi*, — an entity, a thing, and therefore better than an idea, however noble, — gross creatures that we are! . . .

TO GENERAL HALLECK.

New York, May 20, 1863.

My dear General, — I have the copy of General Orders 100 which you sent me. The generals of the board have added some valuable parts; but there have also been a few things omitted, which I regret. As the order now stands, I think that No. 100 will do honor to our country. It will be adopted as a basis for similar works by the English, French, and Ger-

mans. It is a contribution by the United States to the stock of common civilization. I feel almost sad in closing this business. Let me hope it will not put a stop to our correspondence. I regret that your name is not visibly connected with this Code. *You* do not regret it, because you are void of ambition, — to a faulty degree, as it seems to me. . . . I believe it is now time for you to issue a *strong* order, directing attention to those paragraphs in the Code which prohibit devastation, demolition of private property, &c. I know by letters from the West and the South, written by men on our side, that the wanton destruction of property by our men is alarming. It does incalculable injury. It demoralizes our troops; it annihilates wealth irrecoverably, and makes a return to a state of peace more and more difficult. Your order, though impressive and even sharp, might be written with reference to the Code, and pointing out the disastrous consequences of reckless devastation, in such a manner as not to furnish our reckless enemy with new arguments for his savagery. . . .

TO GENERAL HALLECK.

New York, June 2, 1863.

. . . Is the threat of General Burnside true, that he would hang ten Confederate officers for every Union officer hung by the Confederates? Whether true or not, you are aware that this is the spirit which generally shows itself when a barbarous outrage is committed, but which it is very necessary promptly to stop. The wanton insolence of our enemy has been growing so fast, and is so provoking, that I am plainly and simply for quick and stern retaliation; but in retaliation it is necessary strictly to adhere to sections twenty-seven and twenty-eight of General Order 100, to the elementary principle which prevails all the world over, — *tit for tat*, or eye for eye, — and not to adopt ten eyes for one eye. If one belligerent hangs ten men for one, the other will hang ten times ten for the ten; and what a dreadful geometrical progression of skulls and crossbones we should have! . . . You will decide what the general-in-chief has to do in this matter. Some distinct

expression of the essential character of retaliation, whether by general order or by a proclamation of the President (intended for our side as well as for the other), or by a general letter of yours addressed to all generals, — I do not presume to decide. . . . President King read yesterday to me a letter from Mr. Lawrence, in which he informs him that Brockhaus in Leipzig has made him a very liberal offer to publish in Germany a French translation of Lawrence's new edition of Wheaton. So we shall have a European edition of this secessionized *American* "Law of Nations." It worries me. These two large volumes in French will be the universal authority in Europe concerning us. . . . A first-rate work should be written as an antidote; but it would require a long time of absolute leisure for a great jurist, — as Halleck, if he had not the sword in his hand, taking Heffter as his basis, as Lawrence takes Wheaton. . . .

TO DR. D. C. GILMAN.

New York, July 6, 1863.

I thank you, my dear sir, for your information concerning the paper in the "Law Register." I wish people would glance at what I have said on voting and debating armies in my "Civil Liberty," and wonder that Governor Seymour (New York) did not quote *that* when, in his Message, he quoted me on the danger of Executive influence on elections. It is all a mistake to let armies vote, — an essential mistake; and it is a great mistake in our friends to try to give the vote to armies because it galls us now and works very hard against us. Tables are constantly turned in history. Nothing worse and more ruinous than to get power over opponents for the time being, instead of by permanent legislation. . . .

TO GENERAL HALLECK.

New York, August 2, 1863.

My dear General, — Doubtless you agree with me that now, the Mississippi being cleared, we shall have prowling

assassins along its banks, firing on passengers from behind the levees. You share, I know, my opinion, expressed in my Guerilla pamphlet, regarding these lawless prowlers. Will it not be well to state distinctly, in a general order, that they must be treated as outlaws? Or would a proclamation touching this point — and the selling or massacring of our colored soldiers, as well as the breaking of the parole — be better? I cannot judge of this from a distance, but it reads very oddly that a Rebel officer who has broken his parole was among the prisoners that recently arrived at Washington, as all the newspapers had it. I hope it is not true; and if not true, Government should semi-officially contradict it. That Government has too much to do, would be no answer. Napoleon even wrote occasionally articles for the "Moniteur." . . . I have pointed out a most important military position, near my house, in case of repeated riot. It is the highly elevated crossing of Fourth Avenue and Thirty-fourth Street. It has been adopted. Did I tell you that I, too, patrolled for three nights during that infamous, fiendish, and rascally riot. To be sure, wholly unprotected as we were, our patrolling was hardly for any other purpose than to take away in time our wives and children. The one good feature in this riot was that no blank cartridges were fired. The handful of troops we had — invalids and full combatants, as well as the police — behaved well, I believe, and did what was possible. My son Hamilton was in the midst of it during the whole time with his invalids. . . .

August 10. . . . I have the pleasure of sending you a copy of the Memoir to Mr. Secretary Stanton, of which I spoke in my letter of yesterday. Mr. Petigru has always been acknowledged, by friend and foe, to be the most accomplished lawyer of the South. He was a decided and efficient Union man in the times of Nullification. He is now seventy-five years old, and remains unmolested, as the "only Union man of South Carolina," on account of his age and almost complete retirement. He has always been a good friend of mine. . . .

TO JUDGE THAYER.

New York, January 2, 1864.

. . . The constitutionality of the conscription is one of those footballs of which we have had sundry in our history.

No man, I venture to say, Copperhead or not, would be so bold as to assert that the government had not the power or the solemn duty of raising an army by conscription, if need be, should an English or French army march into our country to the tune of some two hundred and fifty thousand men. The question, therefore, of raising an army by conscription in the present case, is simply one of the magnitude of the danger, and of the hearty sincerity in those who desire, or pretend to desire, to carry out the war successfully. If a man thinks that anything else than victory in the field can now decide our great question, let him say so. The issue will then be on quite a different ground. If a man thinks that we want an army of five hundred thousand, and to keep it up, but that volunteering will be the best method of raising such an army, let him say so, and the question will be one of expediency; but to say that the Constitution prohibits this nation from doing that which Nature commands every creature to do, man or beast, — to defend its own skin, — would be simply laughed at were such folly uttered by any one not backed by party power. Suppose I had said so in one of my books, without reference to any pending and existing question, every reviewer would have set me down as a fool. . . .

TO CHARLES SUMNER.

January 6, 1864.

. . . As to your question concerning the "Alabama," I have *not* studied all the details. Nevertheless, I have no doubt whatever that it is one of those cases in which a ponderously stronger power would make the offender pay for the damages, the fairness and international equity being so decidedly against England. All her excuses can only rest on little quibbles, supported by the power which can make good "*I won't.*" . . .

How can we free ministers from the draft? Every Methodist class-leader would be free. We should free some hundred thousand men in the lustiest age. If the Catholic priest resists, because *ecclesia non sitit sanguinem*, they may fight with the club, as the Capuchin did who fought with Andrew Höfer. . . .

Will the exemption clause, passed by the senate, pass the house? Will the President sign it? It seems to me the greatest error, and, as far as I can judge, very unpopular. I was amazed when I found the statement of its passage through the senate. Would to God we had the pen of a Burke or the voice of a Paul to impress the people with the truth that *the nearer the end, the greater the army.* The effort of the Secessionists next spring will be immense, and should we be beaten once or twice, it would galvanize again all the abundant, though latent, Copperhead influences. That unfortunate "in three months all will be over" has cost us very dearly.

TO JUDGE THAYER.

New York, February 1, 1864.

. . . Did you observe that the "Intelligencer" quotes a passage of my "Civil Liberty," where I speak of the unmanly state of things when a people loses the energy of enduring an opposition. I spoke of France, and had at the same time South Carolina, where I was then living, in my mind. A portion of the passage renders the substance of a long and grave conversation I had with the lamented Petigru. South Carolina suffered no opposition on any important subject. "I go with my State" was the stereotyped phrase, no matter whether that State went for treason or not. It was one of the most anxious endeavors of Mr. Calhoun to prevent any issue whatever that might lead to the formation of two opposing bodies in South Carolina. I have had many conversations on that subject with Mr. Preston. And now, to apply my remarks to those who are in favor of *Rebels!* If we were at war with England, would I call traitors who should do their

best to aid the enemy, a party, and claim for them all the consideration due to a loyal opposition? Would any one do it? And this Rebellion is ten times worse than a foreign foe.

TO CHARLES SUMNER.

New York, February 2, 1864.

. . . You ask me what is my view about introducing the system of competitive examinations. I reply that it is most desirable, and at the same time, doubtless, in our country, most difficult. But is it not one of those cases in which the mere breaking the ice is of importance? There are many things in which it is practically very important not to make an attempt without certain success; there are others in which it is important to pronounce the thought and form the first speck of generative life, even though non-success at the time is certain, — cases in which the public mind must be familiarized with the idea; cases which I would call battering-ram cases, — trying again and again, — like the Reform question in England, like Christianity in history. Is not the Civil-Service Examination such a question? The life of every active man furnishes many instances of this kind. There is now a plan of mine probably to be realized in Columbia College, for which I have written, spoken, worried, for five years. Yet my general rule in life is to ask for nothing but what I am pretty sure to get. . . .

TO JUDGE THAYER.

New York, February 3, 1864.

. . . You will be pleased to consider what I am going to write as strictly confidential; not that I ever hide my thoughts, but I speak out only when called upon, or where necessary. As to the war-power of the President to abolish slavery, I have not yet been able to understand it. As I have stated in the little Code (General Order No. 100, of 1863), a commander may declare servitude abolished in a conquered territory; and thus the President, I think, could abolish it in

a territory occupied by our troops (following in the Rebellion the general laws of war); but to declare slavery abolished in territories where we are not, would require legislative power (within the Constitution), and the President has not this power. When Napoleon was urged to declare all Russian serfs free, at the beginning of the Russian campaign, those who urged him could of course only mean that he should hold out to the serfs their freedom in case he should conquer, and thus befriend the serfs. Nevertheless, slavery must be abolished. What then? The whole Rebellion is beyond the Constitution. The Constitution was not made for such a state of things; it was not dreamt of by the framers. We must cut and hew through the thicket as best we can, and see how, later, we can adjust matters, either by amending the Constitution — which I think we must do at all events — or by silently adopting what was done at the period when not the President but the people had assumed dictatorial power. I know very well how dangerous such a power is; but the life of the nation is the first substantive thing, and far above the formulas which very properly have been adopted. . . . In all struggles of long continuance, some points must be considered at certain periods as settled and past discussion. Without it, no progress is possible. No astronomer could pursue his science if he had to prove over again, at every single step, the correctness of the multiplication table. What are the things settled at this period of our struggle? I think these: The people are conscious that they constitute and ought to constitute a *nation*, with a God-appointed *country*, the integrity of which they will not and must not give up, cost what it may, — blood in torrents and wealth uncounted; that at this period nothing can decide but victory in the field. The more efficient, therefore, the army is made, and the more unequivocally the *conquest* of the South, the better for all, North and South.

That slavery must be extinguished, either absolutely, or so crippled that it must perish within a lustre or two; that the State-rights doctrine, understood as it is by the men who

follow the mischievous theory of Mr. Calhoun, must perish. No one whatever, and no body of men, is sovereign within the United States. The word does not exist in our law. We in America know of sovereignty only in its international sense. The United States are sovereign with reference to other independent or sovereign States, and that is all. I speak of this advisedly, having repeatedly lectured on it in the law school, and consequently dug deep into the subject. . . .

TO CHARLES SUMNER.

February 12, 1864.

Yes, my dear Sumner, that vote of which you write me — namely, thirty-one out of thirty-nine for your death-blow to slavery — is wonderful. It amazes and rejoices me. Still, I say we want four, perhaps five, amendments; we want them not by way of theoretic perfection or publicistic symmetry, but for plain common-sense adjustment of the Constitution to the state of things, and by the great behest of history. . . . You know I am not given to extravagance; on the contrary, I consider the constant tendency of over-doing and over-saying things one of our most developed and least manly characteristics; nevertheless I boldly state that, calmly reflecting and keenly remembering the whole course of human affairs, I cannot bring to my mind any change of opinion, conviction, and feeling, as by an afflatus, equal to the change that has been wrought in the American mind concerning slavery within the last one year. I stand amazed. I, for one, would never have dared to believe it possible that but yesterday a Taney could give his opinion boldly and an Abolitionist was treated like a leprous thing, and that to-day a Winter Davis can declare in Congress that the Constitution of the United States never acknowledged man as property. I rub my eyes, and say, "Where are we?" . . .

TO CHARLES SUMNER.

New York, March 5, 1864.

I send you a copy of the amendments which I think, and many of which I have long thought, ought to be engrafted on our Constitution. I have endeavored to show the perfect propriety of making amendments, — the necessity of doing so; that our Rebellion arose out of two elements, slavery and State-rights doctrine, and that the points which we now must consider as settled and past all discussion are: that the integrity of our country and our nationality shall not be given up; that slavery must be extinguished. I have tried to show that no one *within* the American polity is sovereign, and that the word ought never to have slipped in, as Coke declared in the House of Commons, when the Bill of Rights was discussing, — that the English law does not know the word *sovereign*. I then showed that in a *constitution* we cannot get at this sovereignty except through the subject of allegiance. You will also find there the reason why I use the expression "plenary allegiance," which, accurately speaking, is a pleonasm, since all *modern* allegiance is plenary, and double allegiance is nonsense. There you will also see why I bring in the crime of sedition. . . .

March 6.

When I wrote to you yesterday, in great haste, I omitted mentioning the historic act — the, to me, great symbolic fact — of the presentation of colors to the regiment of blacks in Union Square by our Club. There were drawn up in line over a thousand armed negroes, where but yesterday they were literally hunted down like rats. It was one of the greatest days of our history, — at least, of the history of this city. A few months ago the question was put to us whether a Massachusetts colored regiment might march through New York to embark. It was decided, and justly so, that it could not be done without being prepared for bloodshed. That was shortly before the riots; and now, within half a year, a colored regiment is cheered, and kerchiefs wave from every

window. I was deeply, deeply moved. It was for once a visible step forward. . . .

. . . Is the law of Massachusetts, or amendment of the constitution of Massachusetts, giving to soldiers and sailors abroad in war the right of sending home their votes in State elections, separately printed? If so, could I have a copy? I want it for a grave purpose; at least, the writing an addition to that passage in my "Civil Liberty" where I have treated of the voting of armies appears sufficiently grave to me. I have to make this distinction, of which I never thought before: namely, the voting of soldiers *as* soldiers, that is to say, by companies and battalions, — *en bloc*, the French way, and which is unconditionally to be condemned, — and the voting of soldiers as citizens sending home their votes to their respective election districts. . . .

TO GENERAL HALLECK.

New York, March 20, 1864.

. . . You have observed that the Fremont men have held their first meeting. Did I tell you that I was called upon to become president of the Fremont Campaign Club; and, if I should decline, that I would at least preside at the first meeting, which was held on March 18 in the Cooper Institute? It would have been a fine celebration of my birthday had I done so! I shall copy the letter which I wrote in reply. It will show you what I think about it. . . . Are you going to move on the everlasting Potomac? . . .

March 17, 1864.

To the Managers of the Fremont Campaign Club:

Gentlemen, — In reply to your favor of yesterday, informing me that it is desired "I shall take the presidency of the Fremont Campaign Club," to be established "for the purpose of bringing forward the name of General Fremont in connection with the presidency," I desire to say that I am simply for the country with my whole soul, and would disown my own brother were he in any way to disturb the unity of the National Men, or Country Party,

whatever name may be used; that I am convinced that every personal-election movement at this time can only tend to weaken us, when, in proportion to the greatness and the breadth of our struggle, our whole undivided physical and moral strength is necessary to bring it to an end, — and it must be brought to an end soon, if ever; and lastly, that I believe the nomination of General Fremont can have no other effect than the division of our forces, but not his election. All of us ought to remember the letter of the patriotic Chase.

TO JUDGE THAYER.

New York, March 23, 1864.

. . . If you will pardon a purely *conversational* letter, I would take the liberty of asking you whether there is any truth in the statement that the question whether our Cabinet ministers ought to have a right to sit in either house, as the French ministers had under Louis Philippe, is assuming a somewhat practical character? I believe that a truly representative government requires that ministers should be on the spot, to be questioned and to defend the cabinet. You will remember the state of things at one period under General Jackson. Indeed, I think that in our system, in which the President is for four years as unassailable as a hereditary monarch, the presence of ministers in Congress is imperatively necessary. The English, who can change the administration by a vote of the Commons, are in this respect more *republican*. Mr. Clay, with whom I corresponded on the subject, was in favor of ministers having a seat. The topic ought to be gravely considered, and a thorough report should be made. Are you aware that Napoleon III., who has always pronounced himself strongly and officially against the *responsibility of ministers* as an impediment to good ruling (he means, of course, centralism), pointed on one occasion to the United States, where "the ministers are entirely amenable to the President and simply his servants, and where, nevertheless, a republic exists." A Bonaparte inherently hates representative liberty.

TO CHARLES SUMNER.

New York, May 8, 1864.

While the great battle is deciding, or when it may just have been decided, I, who must "stand and wait," will say this one word to you: that since I wrote last I have read Goldwin Smith's letter to a Whig member of the Southern Independence Association. You have doubtless received a copy, but you may not have had time to read it; I write, therefore, to beg you to take a copy to the President and beg him to read it, — to find time for reading it. I believe that so honest and, almost throughout, so sound a paper, by an Englishman, against the manifesto of the Southern Independence Association, should be read by the chief magistrate of our commonwealth, even at this anxious period, when his time must be occupied with the highest affairs. The last two thirds of this small publication are peculiarly straightforward for an Oxford professor. I heartily wish I knew some way of having our acknowledgment expressed to that manly advocate of ours.

I observe that you have brought in your bill, which may be designated as the Anti-Jackson-rotation measure. I wish you joy for having made the first step. I dare say you will not carry it this time, but possibly you remember what I said on perseverance in my "Political Ethics," and of the history of nearly all great or searching measures, such as the Reform Bill, or the Catholic Emancipation. A beginning must be made, and it is always a great gain when first a principle has been boldly pronounced, if that principle pricks one of the most cherished and widely favored traditions or modes of action. I recollect how John Quincy Adams was fiercely attacked by the Democrats because *one* postmaster had been removed. It was just when I first landed here; and I remember, too, how we were shocked when President Jackson announced his rotation doctrine. Your measure involves great difficulties. . . .

TO CHARLES SUMNER.

New York, June 1, 1864.

I think I wholly agree with you, dear Sumner, as to your resolution that no members of rebel States ought to come back without the consent of both houses. The very fact of your being judges of the qualification of each member, &c., would almost alone prove it. Who else should decide? Certainly not the President alone. Of course you will have all theorists against you; and every political wrong-doer in America is a theorist. Nothing is easier, and it is necessary for the ignorant masses whose votes are wanted. Men of a certain stamp become always more abstract the more they are in the wrong and the lower their hearers. The whole State-rights doctrine, the very term *doctrine*, in this sense is purely American. It struck my ear very forcibly when, in 1835, General Hamilton of South Carolina said to me, "Such a man was an excellent hand at indoctrinating the people of South Carolina with nullification." . . . I did not agree with you some time ago, when you said in the senate that the Constitution gives dictatorial power to Congress in cases like the present war. God and *necessitas*, sense, and the holy command that men shall live in society, and have countries to cling to and to pray for, and that they shall love, work out, and sustain liberty, and beat down treason against humanity — these may do it, but the Constitution? The simple fact is, the Constitution stops short some five hundred miles this side of civil war like ours. . . .

The last half of your letter, telling me about Chase's desire to see the Winter Davis resolution brought forward, surprised me a little. Not that he is for the Monroe doctrine, &c. That has become an almost universal American fixed idea — that is to say, the misunderstood Monroe doctrine; for President Monroe only held to a declaration that colonizing or appropriating unappropriated portions of America is at an end. What then is to be done? I believe the answer, with reference to you, is simply one of wisdom. You have done

all you can to stem this business. If you find you cannot, let it go before the senate. You cannot throw yourself single against a stream. . . .

TO CHARLES SUMNER.

New York, June 11, 1864.

A passing thought. You, my dear Sumner, have read Mr. Seward's communication on the globe-encircling telegraph, no doubt with the same reflections and feelings in every respect with which I perused it, the globe by my side. Do you remember that an agreement existed between the United States and Great Britain, when the Atlantic Cable was laying, that the Sub-Atlantic Telegraph should be protected, even in case of war between the two powers? It struck me as a noble item in the history of the Law of Nations. Could not the United States, Great Britain, and Russia agree upon something of the kind regarding the Pan-spheric Telegraph, or however the encircling wire may be called? Of course the interruption of messages cannot be prevented; but the destruction of the telegraph might be placed beyond the war, as the Greek communities swore by all the gods never to cut off each other's water-pipes — their Croton aqueducts — even should they go to war with one another. I write this on the supposition that Congress will readily respond to Mr. Seward's letter. It would be noble to do such work in the midst of a vast civil war. How is the telegraph to be preserved those many thousand miles in distant and semi-barbarous countries? I suppose, pretty much as ours to California. "Go ahead and trust," does a good deal in bringing about the desired state of things. . . .

TO GENERAL HALLECK.

New York, June 13, 1864.

. . . In reply to your letter of yesterday, the following: I was informed by Major A. Bolles that my opinion would be very acceptable to General Dix, as well as to himself, on the following question, "Can any military court or commission, in

a department not under martial law, take cognizance of, and try a citizen for, any violation of the law of war, such citizen not being connected in any wise with the military service of the United States?" I answered, that undoubtedly a citizen under these conditions can, or rather must, be tried by military courts, because there is no other way to try him and repress the crime which may endanger the whole country; it is very difficult to say how far martial law extends, or in what degree it extends, in cases of great danger arising out of war; and that it must never be forgotten that the *whole country* is always at war with the enemy; that is to say, every citizen is an enemy to the opposing belligerent, and that there is in case of war — especially in a free country where no "cabinet wars" are carried on — by no means that distinction between soldier and citizen which many people either believe to exist or desire, — as though the citizen could quietly carry on all possible mischief with reference to the army, which is in fact his own army, and with reference to the war, which is as much his war as that of the army. . . .

TO CHARLES SUMNER.

Day of the Battle of Ligny, June 16, 1864.

My dear Don Carlos, — If your eye should alight on Mr. Pruyne's remarks in "The Globe," in which he states that State sovereignty makes it impossible to abolish slavery by an amendment of the Constitution, in which he was supported by Magnus Apollo Fernando Wood, pray send them marked to me. Such things are classical. They serve as the symbolism of State-rights doctrine. A hyper-Calvinist once declared, in my hearing, that God could not save the predestined lost ones, even if he would. I desire much to have this debate — at least, Mr. Pruyne's hyper-Calhounistic remarks. . . .

TO GENERAL HALLECK.

New York, June 30, 1864.

My dear General, — I desire to submit to your consideration, and to that of the Secretary of War, an idea which has repeatedly occurred to my mind, namely, the idea of a continued draft; I mean a draft according to which a district should be obliged to send so many men, say every month or three weeks or a fortnight. The advantages of such a distribution of drawing men, over a long time, seem to me obvious.

(1.) The army would benefit by receiving a continuous afflux of men in small numbers, instead of receiving from time to time large numbers in entire regiments of raw soldiers. The recruits would *fall in* much easier, and the system would resemble the European method of continuously replenishing the battalions in the field from the "home stations," or whatever other names are given to the recruiting bodies distributed over the country, where recruits are drilled for the different regiments.

(2.) The drawing of men would be done easier. There would be no repeated and periodical excitement, and ever-renewed discussion of the constitutionality of the draft.

(3.) Communities would find it easier, as all distributed burdens are easier to bear. Men and substitutes could be easier found.

(4.) In point of political economy, it is always easier for a community to adapt itself to a comparative gentle and continuous withdrawal of capital or labor, than to a sudden or spasmodic withdrawal.

There are doubtless objections to my proposal. If they overbalance the advantages the plan must be thrown aside. You, in the centre of government, must judge of this. You have information and the counsel of many, which a single man in his library has not; and for which his patriotism, however ardent, or his attention to public affairs, however keen and regular, forms no substitute. . . .

TO CHARLES SUMNER.

July 20, 1864.

I received this moment "The Express" of July 16, which you sent me. It was to be expected that you would be sneered at. You recollect how "The Tribune" ridiculed the Academy of Science. How can it be otherwise? The writers of our journals are, as a general rule, young, irresponsible men, obliged to write every day something that will take, something smart. Has it never struck you, — what would have become of Christianity had it appeared in a world with full-blown journalism? Nay, imagine even the Council of Trent with reporters present! . . .

TO GENERAL HALLECK.

New York, September 1, 1864.

My dear Friend, — I write, but do not know very well why, unless it be that a sad heart will run over as well as a joyous one. Things look very, very gloomy. The shameless, disgraceful, and treasonable proclamation of the McClellan convention, with the universal support it finds with high and low of all anti-administration people, and the *utter* apathy of the loyal people for Lincoln, are fearful. There are but two things that could save us — a telling victory, or rather the taking of Richmond, and Mr. Lincoln's withdrawal. The first will not take place with our decimated army; the other will not occur. Mr. Lincoln might withdraw very patriotically and gracefully, but he would hardly do it individually, and certainly not be allowed to do it by his cabinet. A new convention would take up Grant, I dare say. . . . All this is nothing necessarily against Mr. Lincoln; but individuals wear out quickly in revolutionary times, were it for no other reason than that familiarity with a name takes from it the enthusiasm. Even Napoleon would not have been able to mount and bridle the steed of revolution, had he come in at first. The fact is — no matter what the reason — the *fact* is, that there is no spark of that enthusiasm or

inspiriting motive-power, call it what you may, for Mr. Lincoln, without which you cannot move so comprehensive an election as that of a president. We must have a new man against a new man, and we cannot have him without Mr. Lincoln's withdrawal. Oh, that an angel could descend and show him what a beautiful stamp on his name in history such a withdrawal would be! He could say in his letter that it is a universal law that names wear out in revolutions and civil wars, and that he withdraws, &c. I do not know that history would record a nobler act than this would be. If he does not speedily withdraw we are beaten; if we are beaten, our country is extinguished, and loathsome disgrace is our children's inheritance. . . . If this country gets ultimately through, safe and hale, no matter with how many scars, a great civil war with a presidential election in the very midst of it (while the enemy has to stand no such calamity), I shall set it down as the most wonderful miracle in the whole history of events. Sometimes I feel as if I should write to the President; but then, how would he listen to a private individual in a matter of such moment? Rulers do not divest themselves of crowns by being piped to on a single flute. Would to God you could write to me more cheerfully!

TO GENERAL HALLECK.

New York, October 15, 1864.

. . . I dare say you have already attended to the subject I am going to write about; still I feel prompted to say what follows. From the "New York Times" of this day I observe that much noise is made about the Rebels using our men, captured by them, for working in the fortifications, and that General Butler seems to fall into the error of considering it a grievous offence on the part of the enemy. We ought always to take care not to make ourselves ridiculous. Not to speak of 76 of General Orders No. 100, the employment of prisoners of war is universal: employment for domestic ends (such as when Russia distributed Frenchmen to the farmers, or Napoleon set Prussians to dig one of the chief canals of

France) ; or for military purposes, such as working in army factories ; or, lastly, for actual army purposes, such as working at fortifications, building roads, bridges near armies, &c.

General Meigs asked my opinion on this very subject some months ago, and I wrote him a somewhat elaborate letter, which, were it necessary, might be referred to. That we have abstained from doing so until now, and have fed all along some fifty thousand idle prisoners, is another question. I believe it was done because we have a barbarous and reckless enemy, who threatened to use our men in pestiferous swamps if we should utilize the prisoners in our hands. That we tell them, "If you use our men, we shall use yours," is all right ; but let us not talk of unheard cruelty if they simply set the prisoners to work. We expose ourselves, especially when we do this in the face of our own general order and our own acknowledgment of the law of war. I, for one, am in favor of setting Rebel prisoners to work, — especially now, when the Rebels have used United States prisoners for fortifying Richmond, &c., although I think we must be prepared for insolent resistance and proportionate coercion on our part. . . .

TO CHARLES SUMNER.

New York, December 11, 1864.

. . . War to the knife to slavery. Let us have no "slavery is dead." It is not dead. Nothing is dead until it is killed. I trust our President feels this in his inmost soul. His message seems to pin him down to it. Now let the nation pin itself down by the Amendment. This Amendment is the clear idea, the distinct formulation, motto and principle, of all the inarticulated roar of our battles — the test, the battle-cry, the article of faith. The sooner it is pronounced, so that no receding is possible, the better for all concerned. . . .

Slavery dead? Why, did you see how the secretary of the Citizens' Association but yesterday spoke of Abolitionists? A man who now declares himself for the Union but not against slavery seems to me much like one who might have begged St. Chrysostom to baptize him fully and wholly

unto Christ, but to allow him not to give up his Jove and Venus, and the rest. We fight for our country, that is, for its integrity, and slavery cuts it asunder far more clearly and injuriously than any geographic division could do. Such a division can be removed by a treaty, by force of arms, by the brush of the map-maker; but slavery is an institution, and has all the tenacity of institutions, whether they be for weal or woe, until they are destroyed, and the life is bruised out of their head.

If you see the President, and have an unofficial conversation with him, tell him how much those citizens who have no office or place, but simply love their country with all their heart, and have given their sons for that country, have thanked God for the passages in his message which relate to slavery. . . .

TO JUDGE THAYER.

Is it not possible to *formulate* the idea that government interference in elections is a nefarious thing into a law? We shall suffer here greatly from the contributions which every custom-house, navy-yard and post-office man is assessed to pay. I spoke of the illogical character of the thing in my "Political Ethics;" also in my "Civil Liberty" — a passage which Governor Seymour quoted in one of his messages. . . . I know it is very difficult to prevent it — as difficult as to forestall false naturalization papers; but can nothing be done? And is there not always something gained when a society puts its legislative frown on an offence? The case of an executive using the power given by the people, and the money taken from them, against a free and correct expression of their opinion, is a monstrosity, and, in a polity in which everything depends on *election*, an act of high treason against the sovereign. So it seems to me. . . . Why not make every officer of the government, when he assumes the office, take an oath that he will not allow himself to be assessed, or otherwise deprived of portions of his salary or other money he possesses, directly or indirectly, by his superiors, for election purposes? Elaborate such a law. . . .

TO CHARLES SUMNER.

December 24, 1864.

My dear Sumner, — You will feel the loss of Earl Carlisle much. I sympathize with you. I do not know whether your intimacy continued to his end, but he was, I understand, on our side. Cornewall Lewis went before him, so we lose the few friends we have in England fast. *Serrez les rangs.* What we have to do is to fight through, and leave the rest to Him to whom all history belongs. We are all on a battle-field. Blessed are those who fight and fall in a righteous cause, but all must fight and fall in this life, which is life only as far as it is struggle within and without.

The attempted interference with the foreign policy, by the house, and the proposition of retaliation by the member from Maine, are illustrations of the pitiful Athenian government by the *agora*. When such attempts are made even by the representative government, what must be the state of things where the *multitudo* (not the *populus*) rule, or rather, can rush into action at any moment. I am the sworn enemy of all absolutism, and I trust my friends will remember of me this one thing, that I am the one who first spoke of "democratic absolutism." Until I used that term, absolutism meant monarchical, unchecked power. It came into use under Ferdinand VII. of Spain. I spoke of democratic absolutism in presence of Judge Story, or to him, when you were yet a Cambridge student. It struck him, and he first hesitated to allow the term, but soon approved it. . . .

TO CHARLES SUMNER.

New York, December 29, 1864.

I must write to you, my friend, even from my sick-bed. Some time ago you wrote to me what topics were before you in the Committee of Foreign Affairs, on all of which you invited my say. . . . I merely single out the Reciprocity Treaty. I have not studied the details of the objections. You know I am a free-trader, which means nothing more than a *non-obstruction-*

ist, one that considers it rebellion in the puny creature to dare interfering with his Maker's material elementary law of civilization — that of exchange. But apart from this, I see the very worst consequences which would naturally result from establishing the harsh, and I think semi-barbarous, line of prohibition between us and Canada; the harsher, the less feasible the thing will be. All will suffer from it, except the smuggler — the armed smuggler *en gros*, such as he was known under Napoleon. . . .

TO CHARLES SUMNER.

New York, January 22, 1865.

. . . I am unqualifiedly against the retaliation resolutions concerning prisoners of war. The provision that the Southerners in our hands shall be watched over by national soldiers who have been in Southern pens, is unworthy of a great people or high-minded statesmen. I abhor this revenge on prisoners of war, because we should sink thereby to the level of the enemy's dishonor. And what is more, I defy Congress or Government to make the Northern people treat captured Southerners as our sons are treated by them. God be thanked! You could not do it; and if you could, how it would brutalize our own people! I feel the cruelty as keenly as any one. I grieve most bitterly that men whom we and all the world have taken to possess the common attributes of humanity, and who are our kin, have sunk so low; I feel the hardship of seeing no immediate and direct remedy except in conquering and extinguishing the Rebellion; but I maintain that the proposed retaliation is not the remedy. Revenge is passion, and ought never to enter the sphere of public action. Passion always detracts from power. Calmly to maintain our ground would do us in the end far more good. I am indeed against all dainty treatment of the prisoners in our hands; but for the love of our country and the great destiny of our people, do not sink even in single cases to the level of our unhappy enemy. The only remedy for this bitter evil, as for all others that beset us now, is — let us send men and men to our Sher-

mans and Thomases, that they may strike and strike again. Let us place ourselves right before our own times and before posterity. . . .

TO CHARLES SUMNER.

New York, March 29, 1865.

. . . How often have I said, "Let us beat the enemy and the logic will soon enough follow." Such letters as Orleans's and Cobden's you should read to the President, and pound it into him that we want no peace. We want the restoration of the country minus slavery. . . . Cobden touches on a very sore point, the necessary statesmanship of the Republican party when the military acting begins to cease. Now the Republican party has fervor, impulse, national convictions, and self-sacrifice; but we are sadly deficient in statesmanship, both with reference to financial and international matters. . . . You will have to walk very bolt and straight before those English who seem to be so intensely anxious about your friendship to England, *mais "soyez forts, et nous vous protégerons."*

TO CHARLES SUMNER.

New York, April 4, 1865.

How do you feel now? was the constant question yesterday in the street, in the clubs, in the dwellings of the people, and I cannot help asking you the same question, even though the answer be known to me. I am sure the breaking up of the conspiracy, and settling some sort of order, — in short, the military action, will occupy us fully a year yet. In the mean time the question of admission comes nearer and nearer. Had we adopted the Amendment there would have been little difficulty, I take it. By a State-rebellion the States went out; by State-revolution, against the temporary *de facto* government, they might come back. But shall Virginia be readmitted "in thirty days," as is intimated in the papers? A fine thing it would be! *Vestigia nulla retrorsum* was John Hampden's motto; let it be ours. Not a step backward.

No slavery, no plenary pardon to all. It would be the ruin of the country. I very much wish I knew how the President thinks and feels on this subject; Mr. Seward, I suppose, is altogether for *eau sucrée*.

TO CHARLES SUMNER.

New York, April 11, 1865.

. . . I hope the President will walk very, very warily in coming to his new proclamation. I do not blame Lee's being received on parole; but I hope things are looked at in a very clear light, and that it is plainly seen by every one that, virtually, you put a rebel beyond trial for treason when you receive him according to the laws of war, as prisoner of war, and parole him, — most surely so with us. People here agree with me on this point; but, say they (*e. g.* Bancroft), he is not restored to his citizenship. I cannot see what can withhold from Lee his citizenship, so soon as the war is declared at an end, and, the parole being at an end, he must be given his freedom. All that the President may do as commander-in-chief in war, dissolves when the war ends, except, of course, those things regarding which *postliminium* exists not.

CHAPTER XIV.

TO CHARLES SUMNER.

New York, August 4, 1865.

I should have been in favor of strict justice, that is, death, for the worst, — not from revenge, but distinctly to stamp treason as treason, which has never yet been done in the United States, while in our country it is treason indeed. In fact, treason here is like those infamous conspiracies in the Middle Ages, of some bloodthirsty nobles — on a vast scale. But all this is out of the question. As to exile, we must not forget that we can only get at it by way of conditional pardon, not by a law; whence arises immediately the difficulty, what will you do with the traitors who do not apply for pardon, or who decline accepting it? In European countries, at least I believe in all European countries, a pardon is an official act which the culprit cannot decline if he desires it. It is there as authoritative an act as the verdict of guilty. It has been decided differently in the United States, because, it is said, it implies an acknowledgment of guilt. Of course the matter would be still very difficult in case of death, for suppose a man sentenced to be hanged would not accept of pardon, he could not be executed. Be this as it may, in the present case of traitors, pardon cannot be forced upon a man. Now what is to be done with men of the worst kind who do not apply for pardon, like Hunter, and who decline your pardon on condition of exile? This is the only difficulty I see, and a very great one it seems to me. What if Mason and Slidell should quietly return and defy the Government? I really wish some six patriotic, calm, deep, and far-seeing men — some thorough lawyers, some statesmen, and judicious, plain citizens — could hold a consultation.

TO GENERAL HALLECK.

New York, September 10, 1865.

. . . The Secretary of War is going to ask Congress for an appropriation for a lecturer on the Law and Usages of War on Land, at West Point, and to give me the place if he gets the appropriation. You recollect the thing is an old plan of mine. My idea is that only ten or twelve lectures should be given, toward the end of the whole West Point course. There has been very little written on the subject, nor is there any book exactly fitted as a text-book. Your book comes nearest, but it is far more for the lawyer than for the nascent officer. . . . I consider the arming of negroes in our recent war one of the most important features, not only in a military point of view, but also, and chiefly, with reference to our law, polity, and national status. It interests me therefore deeply to know who first conceived this bold idea — Stanton, Thomas, you? I recollect that a good while before the appointment of the Old Hundred Commission I said to Mr. Stanton that something ought to be done to organize the negroes who came to us from the enemy, and whom General McClellan was so desirous to return with his compliments. The Secretary seized upon the idea, as one who had occupied himself with the subject or who felt the inconvenience of the then existing state of things, and asked me to give him my views on the subject, and if anything could be learned from the English management of the navvies. My idea then was to organize *armed working* companies of the negroes, their armament and drilling to be for the purpose of defence, and also for the duty of guarding stores, &c. You may remember the paper; at least I feel pretty sure that I sent you a copy. Not long after, however, I found that the Government had conceived, for that time, the very bold plan of simply arming and organizing the colored people. Now who had the first idea? There can be no breach of confidence in telling now to whom the honor is due. The measure ought to be tabled, with the proper name, in the great archives of history. Using the word *archives* reminds me of

my bureau. The name has lately been changed into Archive Office of the War Department. Having recently received some boxes with the papers of disbanded army corps, it appears that this office is to be that of General American War Archives — a very good idea. I have been here for a few days, and return to Washington to-morrow. As yet I have found very little of any special importance. Beauregard is the veriest coxcomb, corresponding with scores of misses, and receiving information about the *noblesse* in his veins; Sanders, the lowest party hack; Jefferson Davis, quiet. Once he says of Butler, "justly called the beast." Though unimportant, I must beg you to treat this as a confidential communication, as my order is to be silent; to you, of course, I can speak. We met with a great deal of Richmond street-dirt in the boxes, proving that your order had been executed with the besom, — and such disorder! . . .

TO CHARLES SUMNER.

New York, October 18, 1865.
(Battle of Leipzig.)

The meaning of words changes, of course, — expands or contracts; but for that very reason you cannot refer to documents drawn up when the word had not expanded, as authority for the meaning it has acquired or which we desire it to have in later times. Should you refer to Plato to find the meaning of πίστις used by Paul? Besides, you cannot develop a right — a most potent right — out of a meaning which we choose to give to a word. The framers meant by republican government, unquestionably, republican as it existed at the time — in the Netherlands, in Switzerland; it meant non-monarchical. The Debates show it. All the world (except Papa Paley) has called Venice a republic. Few things injure a good cause more than rickety or false arguments. They give power to the antagonist, and weaken the confidence of one's followers. It is a universal fact of psychological character. . . .

P. S. I would add, as to *republic*, that there is a passage in my "Civil Liberty" in which I speak of the fact that the republican form of government has nothing to do with liberty, directly and intrinsically, and that there is far more liberty in monarchical England than in republican South America, or ever was in any French republic. I think I speak of this also in my "Political Ethics." Universal suffrage does not constitute the essence of a republic — witness France at present. *Apropos* of *republic* — I found in 1844 that, in Latin inscriptions, Frederic William I. (remember what a coarse brute he was!) was occasionally called the King of the Prussian Republic!

But *res publica*, like commonwealth, was used for common weal, the totality of public affairs considered as one coherent thing, or system. The Latin is coarse enough, except, indeed, the word *publica*, a contraction and modification of *populica*. The word *republic* came to be used for a-monarchic politics simply because people could not say, "the king, the emperor;" and the word *state* (*état*) had not yet risen to the high dignity it now possesses, and retained always a more abstract meaning, — except *only* with us.

TO GENERAL HALLECK.

New York, November 16, 1865.

. . . Have you laid the foundation of a great public library in California? Your State, above all others, ought largely to provide public funds for a library, — say $20,000 a year for the first five years, and then, permanently so much a year. We cannot do in our days without large public libraries, and libraries are quite as necessary as hospitals or armies. Libraries are the bridges over which Civilization travels from generation to generation and from country to country, bridges that span over the widest oceans; and California will yet be the buttress of the bridge over which encircling civilization will pass to Asia, whence it first came. . . .

TO DR. BLUNTSCHLI IN HEIDELBERG.

New York, April 16, 1866.

. . . Your letter of the 19th March, which I received a week ago, gave me great pleasure. Your intention to write a brief code on the Rights of Nations, in the middle of the nineteenth century, is a noble and daring one. For a long time it was a favorite project of mine that four or five of the most distinguished jurists should hold a congress in order to decide on several important but still unsettled questions of national equity, and perhaps draw up a code. First I proposed that it should be an official congress, under the government, and corresponded with Senator Sumner on the subject. But after awhile it became clear to me that it would be much better if a private congress were established, whose work would stand as an authority by its excellence, truthfulness, justice, and superiority in every respect. Just as Hugo Grotius was cited to the Vienna Congress of Nations that the opinions of the great Hollander might enlighten all Europe. . . . But even such a private congress meets with difficulties, and your undertaking can be more easily accomplished than mine; nor had I formed any distinct plan or made any preparations. Your greatest difficulty will be the maritime laws. . . . I never believed in a war between Prussia and Austria; but who can know? Since 1848 the history of our race is full of impossibilities which, nevertheless, have become possible. With regard to Germany, I hold to my opinion that the beginning of all good for the nation must come from its union under one head, and the demolition of the many principalities. Perhaps this can only be effected by a revolutionary king. One thing is essentially true and of the greatest importance. The *national polity is the normal type of modern government*. And one of the greatest processes in all history is the process of nationalization, — still going on, on the continent of Europe and with us, while England has been blessed with a nationalized state ever since Alfred. Neither the ancient Asiatic monarchy, nor the city-state of Greece and

Rome, nor the fragmentary state of the feudal system, nor the provincial independence or sejunction, nor the confederacy, is the normal polity of our race in modern times. The normal type is the national polity, and its normal aspiration is civil liberty. . . .

TO GENERAL HALLECK.

WASHINGTON, May 19, 1866.

. . . Things in general stand badly, and the rebels are by no means subdued. Johnson has revived them. I had recently a letter from a Charlestonian in which the writer speaks of "Northern disunionists," and the great hopes of the South having been revived by that noble President. N. B. This was, and no doubt is still, a rank secessionist. . . . I delivered, yesterday, a very long report to the Committee on the Judiciary, of the house. They wished for information on three special points, namely: whether I had found in the archives any proof that the secessionists in Canada acted by order of the Richmond government and were paid by it; whether there was any evidence that Jefferson Davis or the Richmond government knew about the assassination plots; and whether there was any circumstantial evidence confirming things which appeared in the trial of Lincoln's assassins. . . . I wish, of course, that men like you could read the report, and the copies of the many letters I sent along with it. Some two hundred and seventy thousand letters have been examined for this and other purposes. There remain, I suppose, about sixty thousand to be examined and briefed. . . . The West Point Bill has passed the house. I believe there is no appropriation for a chair on the Law of War in it. . . . The trial of Jeff. Davis will be a terrible thing. Volumes — a library — of the most infernal treason will be brought to light. Davis will not be found guilty, and we shall stand there completely beaten. The time was lost and can never be recovered. . . .

I found a paper containing the report of a committee of the Richmond congress to their secretary of war, of 1862,

informing him that the prisons of the Union soldiers were beyond description loathsome, and that the committee could stay but a few moments in some of the apartments. But what use is it to find such things if I or some one else cannot publish them now. In less than ten years the archives will exist no more. . . .

I had this moment a letter from Attorney-General Speed. It contains a passage which will be of interest to you. He says: "The professional mind in America made rapid progress in the right understanding of the laws of war; but now other questions of instant and practical use will engross it, and I fear it will either remain stationary or retrograde. To correct that evil — for evil it would be — there should be an earnest and able teacher of those laws at West Point. There the laws of war should be primary, and international law incidental. A chair with such a title in that institution would arrest and hold the professional and public attention to the subject, or greatly contribute to it." . . . I believe Speed knows nothing of my proposition of such a chair. . . .

TO PROFESSOR BLUNTSCHLI.

New York, June 2, 1866.

. . . A few days since, I had the pleasure of receiving your "Modern Law of War." I immediately wrote an article for the "New York Tribune," and have already received several applications to publish a translation of the work with additions of my own. My friend the Attorney-General has requested me to do it. My days for translating have of course passed, but I could have it done by others and add notes. I do not know whether I shall have the time at present. At all events it will be better to wait until your work is finished.

I recently spoke of the inhumanity of expatriating partly punished criminals, or even those whose term of punishment has terminated; and were I to write on the Rights of Nations I should express my opinion very strongly on the unchristian, unneighborly, and shameful exiling of criminals and

aiding them to emigrate to a friendly country. There are strange notions on this subject in Europe. Lately the Prison Society in New York received a letter from a similar society in Liverpool in which they ask if we have any objection to have criminals, who have behaved well, sent to us with letters of recommendation. New York is full of English pickpockets and thieves, *ticket-of-leave men*. A partial pardon is offered under the condition that they emigrate to America, and the parish to which the criminal belongs is quite ready to bear the cost of transportation. . . .

I do not touch upon the war. Where should I leave off? Never, never was a great nation so cheated of her historical inheritance as the German. In a speech I delivered in South Carolina, in 1851, I gave as an instance the sad condition of Germany, to prove the pernicious effect of *State-sovereignty*, — and what a commentary we are now giving again! Mazarin knew well what he was doing when he made France insist, after the Peace of Westphalia, on the emperor's acknowledging the German Princes. France now demands that the constitution of the German Confederation shall not be changed without the consent of the other great Powers. Can degradation go farther? And this from a man who is on the throne of a country which has periodically not only changed her constitution, but her dynasty and entire form of government. Prussia has never understood her great destiny since 1815.

TO HIS WIFE.

Washington, June 14, 1866.

What a glorious vote on the amended amendment in the house yesterday! All members elected as Union men voted for it — Raymond and all, which sufficiently shows that the country at large is for it, and that some twenty did not dare to vote against it. I am writing to-day an article for "The Nation" on this cheering event. Next Monday is Waterloo Day, and it will then be half a century ago that your husband was a stripling in that battle. I have asked Norman

to celebrate his wedding on that day. They and their children can then remember the day easily. . . .

June 18. Have you read the noble declaration of Prussia, that she will not capture enemies' property at sea during war? Such things warm one like a glass of Burgundy. . . .

June 24. I am in no cheerful mood, and yet I write to you. I am just from a colored church of the Old Presbyterian School, where the black minister prayed to God that he would turn the hearts of all sinners, and that he would forgive those who in this city had torn children from their mothers, and would comfort those who had never ceased to grieve for them. It wrung my heart. . . . Tell Hamilton that the oldest brother of General Sherman, a lawyer here, asked me whether I felt at liberty to become one of the lawyers in a case before the Secretary of the Treasury for the recovery of capital and interest, arising out of a treaty with Spain, in which Webster has been engaged. We want a man, said he, of your reputation in international law. I said I could not, although not a permanent officer of the government, and although this was not a regular lawsuit, but only a legal proof before the Secretary of the Treasury . . . . If successful, a matter of eighty to one hundred thousand dollars.

TO PROFESSOR BLUNTSCHLI.

New York, December 13, 1866.

. . . To-day the French march into Rome! How much better in these later days the Italians have fared than the Germans, — certainly, not that they are more deserving. Is it not that the Italians were more ready to begin a revolution? True, they had to deal with foreign dynasties, while the Germans would have their own to contend with. . . . What you say of the limitation of the law reminds me of an observation I made years ago, and which gave great offence. I maintained that, with all due praise of German erudition, religion and piety had often become mere theology, studied in the universities; that the feeling for right and justice is abandoned for university jurisprudence; nay, even the cure and

alleviation of suffering was frequently made secondary to the medical-university study; in short, that it is an age where the German placed scholarship above action and the real duties of life. I believe that a change is taking place; but yet, in a high degree, the German still seeks consolation, for the ills and miseries of this life, in science and erudition. Yet goodness is better than the most elevating ethics, and I can imagine nothing more painful than the belief in a God who is nothing but omniscient and almighty.

TO PRESIDENT A. D. WHITE.

New York, December 15, 1866.

My dear Sir, — You, I know, will read the slip I send you with some little interest. I fancy sometimes — but only fancy — how fine a thing it would be for one of the Peabodies, or some such gold vessel, to give, say twenty-five thousand dollars gold, for the holding of a private — *i. e.* not diplomatic, although international — congress of some eight or ten jurists, to concentrate international authority and combined weight on certain great points, on which we have now only individual authorities. I have spoken about this years ago to Mr. Field. Had I been made commissioner for the Paris Exhibition, I should have felt my way in this matter. But all this is mere talk, *inter amicos*.

TO DR. S. TYLER.

New York, January 14, 1867.

Dear Doctor Tyler, — I took your note at once as a greeting of a friend to a friend, after an arduous and anxious period. I frankly own that I did not see very clearly how to reply without touching on subjects which you seem to have carefully avoided; yet I cannot leave the note unanswered. The four years of the war, whose fighting in the field has ceased, has necessarily separated many friends, estranged others, — the more so, the more earnest each has been in the struggle of principles. But, while candid and manly natures will frankly acknowledge that

differences such as take place in periods like that of the Reformation, or our own contest, cannot be glossed over by a friendly phrase, they will also admit that the divergence need not be hostility, and that to a certain degree — a limited one, I own — we may anticipate on this earth what I suppose all of us hope, and fervently hope, will take place in our future existence. If ever you go to Richmond, go to the churchyard, where you will find my hope expressed on the tombstone of my son Oscar. He fell on the Southern side, and his two brothers went to Richmond to place the tombstone on the grave. They have fought and bled on the National side. You see the Civil War has knocked rudely at my door. You are not the only friend with whom I have differed on essential points in the past period. Nothing can be forced in matters of this sort; we may return to one another in the few years which may remain for me in this life, and stand again closer to one another; we may again exchange thoughts on subjects which are not involved in the main topic before the country; but, whether or not, I feel no individual hostility to those who, without turpitude, have taken a view of our polity, and the duties flowing from it, diverging from mine; and thus I sign myself, as of old,

Yours, FRANCIS LIEBER.

TO CHARLES SUMNER.

Confidential.

NEW YORK, January 16, 1867.

You desire my present views on the propriety of a law being passed, which declares the President of the United States suspended from office during impeachment.

The idea that such a law ought to be passed has doubtless occurred to many. With myself it was original, as I found when I first spoke about it. Somehow, when I first reflected on the subject, the English impeachment was in my mind. In England the impeached minister is placed in the House of Peers, and it appeared to me almost impossible to imagine

the chief magistrate of this nation sitting as an indicted person in the senate, say from ten to two o'clock, and then going to the White House and ruling the people. But the impeached person is not, with us, present at the trial; an inconvenience I own (Justice Chase, I understand, read an opinion on the bench while his trial was going on), but it does not seem to be so glaring an inconvenience as the other. Secondly, the senate cannot suspend all other business, so that it would sit once or twice in the week as a court of impeachment. This, with the spinning out of trials now usual in this country, and the hundreds of witnesses which would be called on both sides, could easily protract a trial of impeachment of a president for six or eight months, so that a fractious Congress might easily use an impeachment for practically eliminating a president from office. Thirdly, although Congress has the power to make laws for the carrying out of any provision of the Constitution, it must, nevertheless, take into consideration that the Constitution does not contain the word *suspension* once, if I remember aright, and trials of impeachment *have* taken place without suspension; so that usage would be against it, — a consideration of great weight, when we reflect that this Congress, however perfect and lawful in every respect (and I acknowledge it as such), is, nevertheless, incomplete. A novelty of so much importance, therefore, becomes still more dubious in its propriety, especially when the law would avowedly be passed for the preparation of a trial settled upon in the minds of the legislators. If such a law were found indispensable, it ought to be passed when no impeachment is at hand. All these considerations receive additional strength if there is any doubt of its being passed over the veto of the President; for such things unsuccessful are not mere negatives of success, but positive additions to the strength of the opponent or enemy, — like a lost battle, which is not only the loss of a battle on one side, but victory on the other. Were I to state my *pros* and *contras* in Lord Burleigh's fashion, — it was, I think, Franklin's way too, — the following exhibit would appear.

SUSPENSION OF PRESIDENT DURING TRIAL FOR IMPEACHMENT.

Pro.	*Contra.*
Great inconvenience and impropriety.	Yes, — but how if the President is tried for a crime in a regular court, without previous impeachment?
What is necessary to carry out a provision of Constitution, Congress can legislate for.	Impeachments have taken place without suspension of usage against it; Constitution does not know suspension; doubtful whether proper to pass the law now, to fit impeachment already resolved upon with many, and by a Congress which, if perfect, yet is incomplete. The law ought to be passed in calm times.
Danger of leaving a person as commander-in-chief, &c., while being tried for impeachment.	Can he do much harm during that time?
	Would he not most likely be on his guard not to draw down more certainly a verdict of guilty?
	Danger of using a *protracted* trial for a virtual expulsion from office.
	How is the suspension to be enforced if the incumbent resists?
	Suspension during trial would be anticipating, in fact, final suspension, beyond which the senate cannot go.

TO CHARLES SUMNER.

NEW YORK, April 9, 1867.

. . . I say nothing of the proposed treaty with Russia, because it is utterly inconceivable and unintelligible to me, from whatever point of view I may look at it, except from one, and that would not be an acceptable one. The American people are still in the *semper augustus* (*Allzeit Mehrer des Reichs*) period. Mere extension weakens; organic expansion may strengthen. But what I can say can have no influence whatever; and, it being unwise to speak without an

object, I conclude, — not, however, without sending my best regards to Mrs. Sumner.

Charles King, according to the last accounts, was dangerously ill in Rome, the gout having reached his head; so my old friend is probably dead by this time. He always used to say, "The Constitution and I were born in the same year." Your private correspondence from Europe must be of great interest now. What a *blamage*, that speech of Thiers! I think it may be designated as an exceedingly well spoken and elegant stump-speech of coarsest spirit. But his *Permettez nous d'oublier* was an exquisite arrow. Thiers has not reached what I insist upon as one of the great dogmas of our period: the national polity is the normal type of modern government; and the co-existence of many leading nations, united by the law of nations and a common civilization, is the characteristic of the present political dispensation. Universal monarchy, one leading nation, the city-state, confederacy, feudal fragmentariness — all are effete. The great problem of the age, popular liberty, must be worked out by the national (not, indeed, centralized) organism.

TO CHARLES SUMNER.

New York, April 14, 1867.

My dear Sumner, — I imagine that at no time in our history have there been so many ears pricked up, in all portions of our country, for a coming decision of a tribunal, as at present for the decision of the Supreme Court. I am in a very great hurry, — this being my lecture day in the law school, — but I would ask you whether you remember the passage in my "Civil Liberty" where I speak of the authority of the Supreme Court to decide the constitutionality of statutes passed by Congress. I there maintain that the Supreme Court is not a body to revise and pass upon laws of Congress (that would constitute it a fourth legislative branch, or co-efficient above Congress and President); and that the Supreme Court decides on the constitutionality of acts of Congress *incidentally* only, in cases of *conflict of laws*, — that

is, in cases in which the Constitution of the United States (which is one law) is presumed to conflict with an act (which is the other law). If, in a given, practical case, the court decides that the act conflicts with the Constitution, this decision has, of course, a general effect by way of precedent and *stare decisis* (as far as that goes; but I would maintain that a specific case must exist before the Supreme Court can get hold of the question, and that in this case the person who last executed the law must be gotten hold of, not the President. If a sheriff, in a lawful manner so far as he is concerned, seizes silver plates of mine, to sell them in order to pay an unlawful tax, must I not sue the morally innocent sheriff? I cannot sue the governor of my State, although the law may be unconstitutional. If the Supreme Court were established to judge in a general manner the constitutionality of laws, we should stand in need of another body to decide on its decisions? *Quis custodiet custodem?* But, as it appears to me, the court has only to decide between two laws presumed to conflict, — a necessary consequence of an enacted (or written) constitution. It leads to many inconveniences; but where parties contend, justice must be done. If we could obtain some archangels to sit after each Congress, to decide on the laws of Congress, then we might make the *constitutionality* a general question; but, with all respect for our Supreme Court, — or for many of the judges, at least, — I have never seen the angelic wings penetrating the gown. . . .

TO PRESIDENT A. D. WHITE.

New York, April 15, 1867.

I believe I did not mention, when I wrote to you yesterday, that I wish you would let me know when the copy of my inaugural reaches you. I have looked at it since I sent you a copy, and find that I have said a good deal on universities, — a subject so important and interesting to you at the present period. And I have spoken much of the necessity of teaching history and political economy in colleges. The

present president of Columbia College has declared the former too comprehensive, and the latter too deep a science, to be taught in colleges; and, in the middle of the nineteenth century, these two branches have been abolished in Columbia College! It was done at a time when, in impoverished Virginia, immediately after her subjection, the legislature appropriated some money for chairs of history and political economy in the college of which Lee became president. It cuts me to the very heart, but so it is. Keep this in mind, and let it stir you and incite you the more not to forget these noble and necessary branches in the Cornell College. Nowhere is it so necessary to hold before the eyes of young men a mirror of the sacredness and gravity of political duties or the obligations of the citizen, as in a country in which his rights and privileges are almost unlimited. . . .

TO PRIVY-COUNCILLOR MITTERMAIER.

New York, August 26, 1867.

. . . We do not agree entirely, I believe, about Germany, but certainly we are of one opinion concerning France; and I do not see how war is to be avoided, — not because this or that will happen, but simply for the reason that France will not give up her absurd and pretended leadership of civilization, and because the great question of this era is the coexistence of many of the leading races or nations, united by the same international laws, religion, and civilization, and yet divided as nations. Among the ancients one state always ruled; but we, the Cis-Caucasian race, are becoming more and more united in one great confederation, binding together all nations. . . .

TO THE HON. S. HOOPER, M. C.

September 8, 1867.

My idea has always been that the world should adopt the dollar as a monetary unit, the longitude of Greenwich, and the thermometer of France. I urged it in 1851, and in Germany in 1848. But that is now a mere dream; besides, the

dollar, as the primary unit, is too large for many nations. Prices are affected by the monetary unit which ranges in the people's minds. I observed this when a youth. I found, later, that a great man — the Duke of Sully, Henry IV.'s friend and minister — had pronounced the same in his memoirs. . . . I imagine that a man of such international business knowledge as you possess, agrees with us who desire international monetary unity. This whole movement is nothing but the process which has been going on *within* the different nations (earliest in England) applied to the great commonwealth of civilized nations. Nor will this steady process of uniformation stop there. . . . There are many difficulties in the way, but what seems to me one of the first steps to be taken is that a thorough and substantial article on the subject be written in the "North American Review." That would come out in proper time, and might be spread in pamphlet form. . . .

TO REV. DR. SMITH.

November 12, 1867.

My dear Sir, — You will say that I give a sign of life every Olympiad or so, and then only by putting a question. Even so. It is important to me to mention the argument, in the third or fourth century, against the belief in a Western continent, or an Atlantis, because there is nothing of it in the Bible, — to me the most striking illustration of the fallacy, a *non mention;* of which Bishop Hopkins furnished us with another when, in his famous — oh, how famous! — book in favor of divine slavery, he says that slavery is prohibited nowhere in the Bible. But to my subject again. Is it not Lactantius who, among the Fathers, uses this delectable argument first? Or does it occur in his works alone? Somehow, I have in my mind the Christian Cicero connected with this argument. Please inform me as soon as may be, from the Patristic abundance of your mind.

Is it Lactantius?

Is it Lactantius alone? You recollect, it was held heretical

to believe in the probability of an America. . . . Or am I mistaken, and does the whole refer to the spherical form of the earth, which Augustine seems to have acknowledged, and which Lactantius declares a poor joke of the learned. Enlighten me, or bring clearly back to my mind what seems to have been in it once, — before the Civil War. . . .

TO REV. DR. SMITH.

New York, November 20, 1867.

My dear Friend, — Thanks for your pamphlets. Why, you Presbyterians have clawed each other as severely as other mortals occasionally do. I hope, however, that the two schools will be pieced together, not by glue, but by milk, which unites far better. . . . You speak sportively of *anti-currency*. My friend, there walks no man the cobble of Fourth Avenue who is as anti-currency as I am. . . . No, my Anti-Current Truths will solve nothing. They are only a *confession* that we cannot know things in their complete logical harmony and perfection. . . . I hope I have shown in the manuscript that there are no more dangerous men than those who apparently solve, by mere keen and consistent logic of *one* thread, the highest and deepest mysteries — in politics, in religion, in architecture and music, in philosophy, in everything. . . . As to my inquiry, you doubtless know that the great Augustine, in Civit. Dei XVI., cap. ix., speaks of the supposition of antipodes in a manner not wholly disapproving, and that Lactantius again (De Instit. lib. iii., cap. xxiv.) slightly snubs Augustine. But there is in my mind the distinct impression that the belief in an Atlantis, a western continent, was declared heretical. If *you* cannot tell me, who can? Set half a dozen students on the track and let them sniff out the game. "I maun have it." Eh, and you ought to write an article on it for your review. . . .

TO THE SAME.

New York, December 4, 1867.

My dear Friend, — Found nothing yet? If Neander were living I should write to him. I send you several things. That law which I have formulated in my former courses on Political Economy, the law of Uniform Appetition, &c., which you find in the recapitulation of my paper on Money, has appeared to me of greater importance in natural theology than very many adduced by Paley and such men. I should like much to explain it to you. The fact that all men agree far more than disagree is also an important consideration. . . . Some one, I do not know who, sent me yesterday a number of "Broadway," printed in England, and published there and here. In it I found the paper on the young men of to-day. Read it as an *étude psychologique*. It is really true, without croaking, we live in a cold, un-enthusiastic period — money, fashion, display, *Blasé*-ness — these are the elements. . . .

TO JUDGE THAYER.

Plymouth Rock Day, 1867.

I read yesterday that Governor Dubuque, after whom I suppose our Dubuque in Iowa is called, said: "The gibbet is a delicate piece of flattery to mankind. They hang now and then a man or two, to make the rest believe they are virtuous." I have nothing else to offer you for Christmas, and send it like a single glass of sparkling wine. . . . Your last letter was very agreeable, and I thank you for it. I am not *write*-ously disposed. Times have become so nauseous — and so soon after our heroic period! That is indeed the greatest of that man's crimes, — he has *vulgarized* the United States in a short time. I Literally Loathe and Despise him. That is the meaning of my LL.D. Why do you never come to New York? You would stay in my house, and we should talk, smoke, sip, honor and despise, together. . . .

TO JUDGE THAYER.

New York, January 8, 1868.

No, dear Periwig, I know nothing about the article you mention. . . . Does it say that I was a friend of Sand, who murdered Kotzebue? My life will never be written. It consists of too many geological layers, and my sons have left the profession. They are army men. . . . Your speaking of Dr. Jahn reminds me of what I have just read in the "Weser Zeitung" that Bismarck expressed the very same opinions in the Chamber now for which we were hunted down in 1820 and 1821. Guizot says: *Ce n'est que l'absurde qui ne change pas.* If so, I am sorry, for, as to desires and convictions of primary importance I have never changed; and in my early youth I always maintained, against my republican friends, that German unity is the first of needs for Germany, and that it could be obtained only by a revolutionary king or kaiser. But why talk of myself?

TO JUDGE THAYER.

New York, January 16, 1868.

. . . I send you an article which appeared in "The Tribune." I cannot well understand Niebuhr's letter. Niebuhr was a thorough English scholar; he had studied two years in Edinburgh, where he became the friend of Brougham; but the letter in the extracts reads as if gotten up by one intending to write funny German-English. Niebuhr sent me, among others, a letter of introduction to Grote, for whom he had the highest regard as a historian. That letter was by no means, if I recollect aright, in bungling English. Niebuhr wrote French, Italian, and English, as well as he wrote Latin, which has always been considered as singularly pure. . . . The University of London was then forming, and Niebuhr wished me to get a chair, — that of the German language, — as I indeed, penniless in that large city, desired. I lived a year in London, supporting myself by giving private lessons — the hardest time in my life; doing uncongenial work (ex-

cept that I fell in love with my wife, instructing her in Italian, reading Tasso!) and physically laboring like an army mule. Some day I will tell you about this. . . .

I have no fear of an insurrection of the negroes; but what oppresses me is the wildness of our statesmen, and the constantly increasing dropping off from the Republican party. The Republicans, I fear, run mad on financial matters and on the tariff. The President drives them farther, yet they cannot rule without the Executive. What will be the state of things when the election comes on? What if a Copperhead is elected? *O sancta mediocritas!* Excuse the wretched Latin — not fit to be used, even in a pope's allocution or in a law paper. In Europe and in America there is naught but floundering — big fish in shallow water, between stumps and gnarled roots, freed from the mud which decently hid them. . . . Frankly, *you* cannot make a good judge. An ancient criminal ordinance of Bavaria says: "Let the judge put one leg over the other and look grave, like a lion." To save your soul you could not look like a lion. *Ergo*, you are a poor judge. *Quod erat demonstrandum.*

TO JUDGE THAYER.

February 5, 1868.

You have shown, of late, some interest in my earlier life, I will, therefore, send you a translation of a letter of Niebuhr's. I wrote my first book in the house of Niebuhr, in Rome, — namely, my "Sojourn in Greece." When I recall that time I feel as if I were writing of some creature in the pliocene period. Niebuhr, you see, ascribes to me a noble soul; but then Mr. Marble, of the "New York World," says I am a contemptible fellow, and Mr. Marble is an honorable man. . . . Do you remember how we first became acquainted? I remember the words you used in your first note. You, as well as Kelley, wrote to me; but your letter alone has budded forth in fragrant friendship. Speak half as well of me as you have done in your letter to Washburn, when I am gone, and I shall be satisfied. Thank you. Walpole says in one of his letters,

"No one can be a great man without friends." I add, "nor have immortal fame." . . .

TO BLUNTSCHLI.

NEW YORK, February 8, 1868.

. . . You lately mentioned the Catholics. What is their position in Germany? Have the Catholics only become more intense, Ultramontane, and bolder in their religious materialism, or are they also increasing in numbers, as is the case in this country? A proclamation so replete with ignorance and obscuration as the last Encyclical would have overthrown any other power but that of popedom. What I fear is that the time for enthusiastic Protestantism has passed away; I ought perhaps to say, of religious enthusiasm. I must own that this conviction, and the unhappy condition of this country, together with the little hope I have for Germany, are thoughts which deeply sadden me. . . . What may be the reason that the people of Alsace are so unwilling to become Germans? Even as early as 1814 Stein felt obliged to give up his favorite idea. I have reflected much on this subject, and should like to know if you agree with me. I believe it is because the foreigner, once received in France, is treated like a native Frenchman, and though there is tyranny enough, there is no petty nobility spread over the country. This must be kept in sight in English history. The people seldom hate a high-placed aristocracy; but they cannot bear the pretensions of a needy, paltry nobility.

TO PRIVY-COUNCILLOR BLUNTSCHLI.

NEW YORK, February 27, 1868.

. . . From my early youth chronological tables have often been the subject of my thoughts and calm reflection. I remember how I was once laughed at by my fellow students in Halle, who found me asleep on a sofa with "Bredow's Tables" on my face. I have even made for myself chronological tables of the development of special, great, and important laws. Is there such a table on international law, or

the development of commerce between nations, and the administration of justice even during war? If not, you must not fail to add such a table to the new edition of your "Modernes Völkerrecht." . . .

You have of course read in the newspapers that the President has at last been impeached. Two thirds of the votes of the senate are necessary to convict him. Perhaps two or three votes may be wanting, but the general opinion now is that he will be removed from office. Of all the subjects treated of in the Constitution, this of impeachment appears to me to have been the least clear and decided in the minds of the framers. Thus, apparently, the President is accused of but one misdeed, which at a distance may seem trivial. You will undoubtedly take a great interest in this trial; it will not last long. No other people of thirty-five millions, at any other period of history, could have indicted and removed its chief-executive in such a law-abiding manner; and among no other people could a man, dismissed from such an honorable position, remain in his own country and do whatever he pleased, with the exception of filling places of trust and honor, — and in some of our States he could even do that!

P. S. An attempt is making in Congress to pass a law on international copyright. Many years ago I wrote a small pamphlet on the subject, showing unauthorized reprint to be based on the same principle enforced by the ancient Greeks, who refused to recognize any rights of property outside their own state. I was, therefore, asked for my views by Congress, and I was sorry not to be able to send them some passages from your "Gesetzbuch." . . . I should have been glad to have found something in your book on Copyright written in the same spirit as your chapter on Slavery. To-day is the 28th. Matters in Washington proceed quietly. I believe that the President will be found guilty. For history, for the world, it will be a very great boon to see — for once — an example of a quiet, unrevolutionary, bloodless, strictly legal removal from such a high position. Does it not appear so to you?

TO JUDGE THAYER.

New York, March 2, 1868.

Aristotle said, "The fellest of all things is armed injustice." "I know a feller thing, — the impassioned reasoning, without purity of heart, in him that has power in a free country." Does it not seem to you that this was written for Johnson? No, — these are words in my Inaugural ten years ago, to which my wife just directed my attention. . . . I am no prophet, and do not believe any one else is. Impeachment had become inevitable, — as necessary as the result of the mixture of some ingredients becomes in chemistry. If he is found guilty, it will be a clearing up. As to foreign countries, as to history, it will be a wonderful thing to have the ruler over a large country removed for the first time without revolution. Grant must be the next president. According to the chemistry of politics he alone will do. Stanton is a brick, but we cannot get him for president, though he is by far the fittest of them all.

TO A. D. WHITE.

(*No date*).

Mon cher Senateur, — I am very curious to see your lecture, for I shall find there things and thoughts I have not seen or found before. As to my suggesting anything, I believe I cannot do it. My opinion has always been that the French who had fought with us in the Revolution carried home three things, namely: what I will call a familiarization with revolution; a certain enthusiasm — or additional fuel for enthusiasm — for liberty, undefined and general; and an additional theoretical enthusiasm for equality, which existed so plainly in the colonies from the very beginning. But the French Revolution was eminently *Rousseauism*, as I have called it in my "Civil Liberty."[1] Lafayette carried home no idea of institutional liberty. Rousseau wrote independently of the American

[1] See "Civil Liberty," p. 372.

Revolution, and Turgot implored Franklin not to introduce the aristocratic or *bicameral* system. I gave the letter in my "Civil Liberty." The French idea of liberty never rose above equality; and, to say the truth, I believe French ideas of *liberty* have influenced — through Jefferson and that ilk — American politics more than American ideas have done French. Reflect on French literature of the eighteenth century, from Montesquieu exclusive, and you will steadily approach the French Revolution, which turned out such a complete failure, except as to the theoretical equalization. It is now only that the most thoughtful French turn their faces toward what I have called Anglican liberty. I shall be very glad to see you when you pass through, and go with you to hear you. Ever yours, with many greetings, to Mrs. White. . . .

TO CHARLES SUMNER.

New York, April 8, 1868.

. . . A very long letter I had from Bluntschli acknowledges that the impeachment will have a great influence in Europe, that such a thing can be done by law and law only. He also speaks of the fierce anti-national, anti-liberty spirit of present Romanism, or Ultra-montanism, or Jesuitism, — it is all the same; and then praises us for not having that evil or danger, — in which my friend Bluntschli is wholly mistaken. Catholicism — which is no longer a religion, but an ambitious institution for uncompromising sway, founded upon idolatrized Christianity — is growing fast with us, very fast. No greater danger can be imagined than Romanism coupled with universal suffrage, or democracy. Democracy has *never been for freedom*. I send another, and the last edition, I feel sure, of my manifesto. The ideas about the historic belt, &c. which I have added, are very old with me, but they did not come back to my mind at once. If you do not care to keep it, give or send it to Bemis, or any one who will not tear it at once; otherwise, paste it somewhere in a book of yours. Friends have called it by different names; my wife

undutifully calls it my orange marmalade (of which I am very fond).

We have finished Motley's Vol. IV. The last chapter is very *edifying*. I know what critics have said. I am as good a critic as any one of them, and say it is sound and elevated, and an elevating book, in which our Civil War thrills, full of faith in man and freedom, in a noble style, only very rarely bending toward journalistic-gong style, — a book of the kind of Thucydides and that sort of writers. Why, it does one's heart good. How he pillories Philip. . . .

TO GENERAL GARFIELD.

New York, April 11, 1868.

My dear Sir, — . . . I should like to know how the argument of Mr. —— for President Johnson has struck you in Washington. I was surprised to find him making use of the argument that the President, doubting the constitutionality of the Tenure-of-Office Act, attempted to turn out Mr. Stanton, in order to test the constitutionality. And, then, to cite Hampden's case! Hampden disobeyed a pretended law, or contested it, as a citizen has the moral right in exceptional cases to disobey an unrighteous law at his own peril, — as the early Christians, universally acknowledged as law-abiding citizens, disobeyed, even unto death, the imperial mandates to sacrifice to Jove and throw grain on the Pagan altar. I have a good deal on Obedience in my "Political Ethics." But to compare the citizen who denies obedience, at the risk of all the consequences and willing to abide by them, with a chief magistrate, whose very office is to *execute* the laws, and who takes an oath to do so before he is allowed to ascend the *curule* chair, seems to me little less than monstrous. Suppose a king of England were to break his coronation oath, and then say: "I did it in order to make Parliament or the courts decide whether it was lawful and according to reason [for Lord Camden declared this necessary to make a law valid] to make me swear that solemn oath."

The great mistake, very general in the whole of the United States, is this, that the power of the Supreme Court to decide whether a statute comports with the Constitution is a general and original one, as though it had a super-veto power. The *justicia* (chief-justice) of ancient Aragon had this power. He would declare a statute, even a decree of the king of Aragon, unlawful. The Supreme Court of the United States has no such superlative power. All that the Supreme Court of the United States or any State has a right to do, and has the duty to do, is to declare, in a case of real or pretended *conflict* of laws, — that is to say, between the Constitution, which is a law, the fundamental law and a statute, — whether there is a conflict. If there be, the higher law, *i. e.* the Constitution, must prevail. By the way of precedent each decision becomes a rule, as far as it reaches; but the decision is, nevertheless, by way of *exception*. It is not a *general* power or authority of the court. It is a decision in a special case; it requires therefore a real case, — consequently, two contending parties. So long as a law stands on the statute book and has been passed in due form (and especially over the veto of the President) it is *law*, and the chief magistrate has the bounden duty to execute it, or he may resign. To *create* cases, in order to bring the questions before the Supreme Court, seems to me, legally and logically speaking, monstrous. What sort of government would that produce? And would it not place some ten or fifteen men — the judges of the Supreme Court — high above the whole legislature in wisdom, power, and all? And yet Paley calls the legislature in a free country the sovereign authority. I have treated this subject in my "Civil Liberty." . . .

TO GEHEIM-RATH BLUNTSCHLI.

New York, April 16, 1868.

I do not agree with what you say of the negroes. If we have universal suffrage, all else will be immaterial. But I am not in favor of universal suffrage, though for a very extensive

one; nor do I agree with you that the white race must lead every other race to civilization. That may be the case for the present; but I believe that the white race will eventually absorb and sweep away all others, at least in this country. We always speak of the extinction of a race as if we were talking of the murder of an individual, while the question is merely the non-renewing and non-regenerating. The fighting and slaying the Indians is terrible to me; but their gradual extinction I consider desirable, and the quicker the better. . . .

TO CHARLES SUMNER.

New York, April 24, 1868.

My dear Sumner, — Day before yesterday I commenced a letter to you, but was interrupted. I meant to write on the different points of the Impeachment; but I have no time to-day, and, altogether, of what use could it be now? Had I written at all, I should, perhaps, have dwelt longest on the desire of President A. Johnson to try the constitutionality of the Tenure-of-Office Act. The idea that the Supreme Court of the United States is a sort of fourth estate is universally spread, is old, — at least as old as State-rights doctrine (*when it suited*), — and lurks even in Lincoln's proclamation of abolition, in which, if I recollect right, the phrase is, "if sustained by the Supreme Court." The *justicia* of Aragon could veto a law or regal decree on the ground that it did not comport with the ancient rights and privileges, &c. Our Supreme Court can do no such thing. If a case comes before it in which a statute and the court are asserted to conflict, it must decide as in any other case of conflict of laws — when, for instance, the law of nations and a statute, or two statutes, are said to conflict. This is absolutely all. I have spoken of this very fact in my "Civil Liberty," for the subject had attracted my attention even then; but of course I should speak of it more incisively now. A subject or citizen may disobey the law and take the consequences, if he believes before his God he cannot do otherwise. When

the early Christians, whom Pliny reports as peculiarly good and obedient subjects, could not obey the imperial mandate, they preferred death to "strewing grain on the altar of Jove," and died. But refusing obedience to a law on the highest moral grounds, and calmly taking the consequences, in a simple citizen, is a very different thing from breaking the law for the pretended object of testing it, in a magistrate who has sworn to *execute* it. The Tenure-of-Office law is passed in due constitutional form, and there is an end of it. Who has ever heard such a thing, in the whole history of law, as a chief magistrate breaking the law which has been passed in due form, for the sake of testing its legality! A pretty state of things it would be if officers of government — judges, magistrates — were to break the law in order to test its legality. Suppose a collector were to break the tariff law to *test* it. Why not cause at once the Supreme Court to give its fiat to each law before it goes into operation? To be sure, you must then have another body that watches over the Supreme Court, and so *ad infinitum*. Hampden was right to refuse ship-money; but Hampden was a single citizen who simply refused obedience (as the Quakers do), taking the consequences; he was not a magistrate who had sworn to execute the law. How would it do for a British monarch to break the coronation oath, simply to test its legality?

The Supreme Court can decide incidentally only on the constitutionality of a statute; and to break the law for the purpose of testing its constitutionality is — in a magistrate bound to execute the law — stark rebellion and, philosophically speaking, absurd. The Supreme Court is no fourth estate. The very idea that a chief magistrate — who has solemnly sworn to execute the laws, and who is not made by the Constitution a perpetual censor of the legislature — dares to break the law in order to test its constitutionality is rank rebellion, for which a doge might have been bidden to mount the steps of the scaffold; here we can only send him away about his business. Then he can resume his business of vilifying Congress

with impunity. His counsel claim for him freedom of speech; and so, I dare say, they would have claimed the freedom of intoxication, had the President been impeached for being shamelessly drunken at his inauguration. Freedom of speech! Is it really meant that a chief magistrate can make a beast of himself, can talk at random, can do all sorts of things with impunity, because the law does not punish the same acts in a private individual? Are these misdemeanors, or not? Whatever Mr. Evarts may have to say, so far the President's counsel have made his case appear not in a pitiable, but in a most despicable, light. I have written this at the same table at which the competitors for the prize in my department are writing their examination papers, and must suddenly close.

TO CHARLES SUMNER.

Proposed Treaty to secure from Seizure Private Property on the High Seas.[1]

BERLIN, Wednesday, June 10.

The North German Confederation propose to the great powers of Europe and America the adoption of an international treaty to guarantee the absolute security from seizure of private property upon the high seas in time of war.

NEW YORK, June 11, 1868.

DEAR SUMNER. — The slip above shows that Bismarck is executing the resolution of the North German Parliament, of which I wrote to you some time ago. May God grant that the subject may come before your committee in the shape of a proposed treaty between North Germany and America. Will Mr. Seward be in favor of it, as Secretary Marcy declares himself to be? And why should not Germany and the United States inaugurate the new era? There was already once, you recollect, a treaty between the United States and Prussia of this sort. . . . What an advance it would be — though requiring nearly twenty-two centuries — from the

[1] Copy of newspaper slip enclosed in the original letter.

time when Thucydides said that private property was not acknowledged at sea as on land, to the middle of the nineteenth century, when private property — even of the enemy — should be declared to be protected, even floating without defence, on the wide sea. Mill, I know, is against it; but so he is for woman's voting, and for this crotchet of representation of minority. I say that civilization would hardly have made or be able to make a greater stride in our century, than by the United States and North Germany agreeing on the great principle, and thus inducing others to follow. Russia will follow at once, — Italy too, France soon; and England cannot remain alone. I hope — at least I fervently wish — that Mr. Seward will accept the subject as a very material one, and judge of it favorably; nor can I help thinking that if the matter be brought before the senate, a two-thirds majority would be in favor of civilization. *Dico juris gentium consultus.*

TO CHARLES SUMNER.

New York, Sunday.

You mention, dear Sumner, in your famous speech, my "*jural* society." That dates, you recollect, from our earliest friendship. Let me now give you what I consider my chief law maxim, which I have formulated since the "jural society:" *Nullum jus sine officio, nullum officium sine jure*, — forgotten by despot and *Rouge* (they want nothing but *rights*), forgotten by the slave who thinks he has nothing but duty or obligation. The lecture in which I inculcate the mutually integrating character of the ideas of Right and Duty, more than what Hamilton expressed by Correlation, — I mean Intercompletion, — that lecture, I say, is headed *Droit oblige*. . . .

TO BLUNTSCHLI.

New York, August 21, 1868.

. . . If Grant is elected I intend to write an open letter to his secretary of state — whose name, of course, is as yet unknown — on the necessity of bringing emigration and immi-

gration within the domain of international law by separate treaties. . . . My argument would be as follows: —

Peaceful migration is a characteristic of our epoch. It is necessary that nations should agree with each other by treaty to secure, —

First. Health on board the ships.

Second. The prohibition of transporting criminals or paupers.

Third. The appointment of international officials at the chief seaports.

Fourth. Good treatment of immigrants.

Can you not write something important on this subject? I wish to make my letter brief and good. No doubt, one of the greatest achievements of civilization is the fact that a stranger is no longer the *hostis* of antiquity. . . . What has become of Von Mohl? Is he for German unity or against it? I should like to send him my essay on "Nationalism" as a visiting card. If you have the opportunity please to advise some bright young man to compile chronological, or perhaps synchronical, tables of international law, and to publish them. There need be no more than four or five, in small quarto, in German and French, — or, better still, in German and English. . . . The arrangement in periods ought to be made by you, or some other competent jurist, but it is an easy task.

TO GENERAL GARFIELD.

New York, December 12, 1868.

. . . You, gentlemen, may laugh, indeed, at the President's Message. That is all very well; but the serious philosophical historian will be brought to the black line of despair by his desire to understand such a character, or to reconcile such elements as seem to brew in a man whom Tacitus perhaps would have characterized thus: a man possessing all that boldness which ignorance and lack of shame rarely fail to produce in persons of a low standard, being possessed of a keen love of theorizing and disputations, such as small minds are often troubled with as with an itching of the mind, — cunning

as weazels are, void of temperance, patriotism, and greatness of soul, and therefore most unfortunate, as all men are when their deformity is exhibited in a high place before all the people. But the guilt is ours, who, more like trifling boys than earnest men, elevated him to that dignity, for which nature had not intended him. Happy enough might he have ended his days had he never exchanged the cross-legged seat for the curule chair.

TO GENERAL GARFIELD.

NEW YORK, February 12, 1869.

. . . Do not forget that time flies, and the census approaches, willy-nilly. . . . Thorwaldsen said to me, when I had warmly expressed my admiration of his Triumphal March of Alexander, "Yes, and it would not have been half so good had not Napoleon *ordered* it to be finished in six weeks." That is very well; but a comprehensive bill is a very different thing from a bas-relief. Hurried legislation always turns out poorly. . . .

TO PRIVY-COUNCILLOR BLUNTSCHLI.

NEW YORK, March 27, 1869.

. . . The application of Germans for all possible appointments is at present enormous, the Jews among them being naturally in the majority. The German Jews in America gain in influence daily, being rich, intelligent, and educated, or at least seeking education. They read better books than the rest of the Germans, the booksellers tell me. How does this happen? I do not agree with you in what you say of the words *Nation* and *People* (*Volk*). *People* has an ethnological signification; at least the word does not comprehend the idea of a political organization, though this may be its meaning *now* with the English and French. *Nation* means a political unity of some kind; this at present is the most important signification of the word.

Have you observed that in Spanish the word *Personalismo* has been formed to express that form of government which aims at personal or individual worship, adoration, and favoritism. Washington said: "Influence is not govern-

ment." Some good, though it is little, may even come from Spain. . . . Laboulaye writes me that he began his lecture, the first in a course delivered to a select society on public matters, with a translation of the first words of "Nationalism." They were loudly applauded. I am glad of this. The idea of the existence of a democratic absolutism must become familiar to our race. . . .

TO JUDGE THAYER.

NEW YORK, May 7, 1869.

As to the article in the "Law Review," I am unqualifiedly averse to Field's idea of having a code of the law of nations drawn up, and then try to make governments adopt it. They would not, and ought not to, adopt it. The strength, authority, and grandeur of the law of nations rests on, and consists in, the very fact that reason, justice, equity, speak through men "greater than he who takes a city" — single men, plain Grotius; and that nations, and even Congresses of Vienna, cannot avoid hearing, acknowledging, and quoting them. But it has ever been, and is still, a favorite idea of mine that there should be a congress of from five to ten acknowledged jurists to settle a dozen or two of important yet unsettled points — a private and boldly self-appointed congress, whose whole authority should rest on the inherent truth and energy of their own *proclama*. That is the thing I should have promoted with all my soul, could I have been sent diplomatically to Europe. It would have been the last work of my life. Some friends of mine, of weighty names, got up a letter to General Grant, *à mon insu*, telling him that I had been no laggard in the war, and that he might do worse than send me to Europe. I prize the letter highly. It is dear to me, though nothing may result from it — and nothing will.

TO JUDGE THAYER.

NOVEMBER 5, 1869.

. . . *Noblesse oblige*. From early times I observed that in the French Revolution people had always clamored for rights and never thought of duty; that more or less this is the case

in all periods of agitation, and almost universally so in our own times and in our country. It is most dangerous in private as well as public life. In my "Political Ethics" I touched upon the subject. The concept that *right* and *obligation* are *inter-completing* ideas became clearer and clearer in my mind. I mean something entirely different from Paley's and others' saying, that obligation is the corollary of right. In my Inaugural in Columbia College in 1859 I said again, what I had said before, and what occurred to my mind as early as when I sailed to Greece, in 1822, — that right and duty were like the St. Elmo's flame in the Mediterranean. I was one the deck of our little schooner, when I observed a little flame at the end of the yard-arm. "That is bad indeed," said the captain; and then told me that the flames (electrical lights) were called Castor and Pollux, or St. Elmo's fire. If both appeared at the same time it foretold a fine sailing; if only one appeared, foul weather was apprehended. Thought I, this is like *right* and *duty:* both together, and all is well; right alone, despotism, — duty alone, slavery. You see I consider *right* completing the idea of *duty* as *vice versa;* and I speak of duty in the *possessor* of the right, not in the one on whom the claim is made — all right consisting in a claim upon another. You see the importance of the word *inter-completing*, which I have chosen very carefully and after asking advice of many friends. Now as to *Noblesse oblige*, it used to be taken in two different senses. In olden times it meant: If nobility confers high rank and privileges upon you, do not forget that it imposes upon you obligations toward him who grants the privilege — toward the king. In later years, preceding the French Revolution, it was turned the other way, and used in a philanthropic sense toward the vassals, or peasants. It meant: If I am a count, and have a count's privileges above my inferiors, I have always obligations towards the inferiors. Men like Chateaubriand paraded it in this sense. I heard it first in my life when a schoolboy, at our dinner table; I found it used by a person in discussion with my father, who defended the nobility. I have since met with

it ever so often. Its pithiness, its high-mindedness, its neatness, all make an impression.

Pointed antithesis has given currency to many a fallacy, bnt we must not reject graceful antithesis on that account when it expresses a fundamental truth of all ethics, an idea which cannot die.

FROM HORATIO WOODMAN.

Boston, January 9, 1870.

My dear Doctor Lieber, — I was very glad to receive your note, and to have recalled to my mind that scene in the War Office; but I sincerely regret that I can only testify to the general correctness of your memory, without reinforcing it with my own. I did very wrong that very night, after my interviews with Mr. Stanton, — beginning in July, 1862, and ending here last summer, — I did not write down minutely everything I could recall, in *totidem verbis*. His first account of his early days as secretary; of his giving every aid to McClellan; of his reluctantly coming to the conclusion that McClellan had no plan whatever, and that "You must be what the Constitution and the laws make you, commander-in-chief yourself, and gird on the sword;" of the President's turning pale and leaving him without a word, and his issuing at the next cabinet meeting the famous order for an advance, and placing McClellan in the field, — all this, taking half an hour, was simple, intense, dramatic, and was at my first interview with him alone. . . . I thought when I read it, that the Union League preamble must be yours. I trust you will see it to be your strict duty to put your opinions, and especially your memories, of Mr. Stanton, into some permanent form. As I get time, I mean to put mine into an "Atlantic Monthly" article.

Do stay longer when you come again to this city, and let us talk over our memories of the great man. I take some pride to myself for writing, before I ever saw him, that he had "the breadth and vision of a statesman, and the terrible earnestness and force of will of a Cromwellian." . . .

CHAPTER XV.

LETTER FROM HON. HAMILTON FISH.

February, 1870.

My dear Doctor Lieber, — You will have received, or will receive, a letter from the commissioners under the Mexican Convention for Settling Claims, announcing your selection as the umpire under the treaty. I earnestly hope that it may be consistent with your views and your engagements to accept the position — and in this the President unites. . . . Mr. Marescal agreed to unite with me in nominating you, and the commissioners have very cordially adopted our nomination. . . . I enclose a copy of the Convention. It will afford much pleasure to the President, as well as to myself, to hear that you accept the important trust of this umpirage.

TO SECRETARY FISH.

New York, February 6, 1870.

My dear Mr. Secretary, — After very earnest reflection I have come to the conclusion to decline, respectfully and even gratefully, the offer of the umpireship. I am sorry that my unbiassed judgment has led me to this decision, for I have myself written on the importance of umpires *not* being monarchs or governments, — remarks which Bluntschli has incorporated in his code of the law of nations. . . .

Have the goodness to send the accompanying to the commissioners.

TO SECRETARY FISH.

(*Confidential.*)

New York, March 2, 1870.

My dear Mr. Secretary of State, — About a week ago Mr. Marescal, Minister of Mexico, called on me, and then

only learned that I had declined serving as umpire. He professed great disappointment and desired to know the reason. I told him that, if he would take my explanation not in the spirit of dissatisfaction but simply as a statement of fact, the passage in the treaty, according to which the umpire should receive compensation according to the opinion of the commissioners, placed the umpire in an undignified position, which might actually lead to a discussion about fees. The point being one of delicacy, I asked, in the confidence of friendship, my honored friend Horace Binney (ninety-one years old), who wrote me that my objections or doubts were not unreasonable, and seemed to him natural. Mr. Marescal said he had thought that the compensation of the umpire was to be settled by the two governments, and that you and he could certainly arrange this matter. I replied that the treaty could certainly not be changed, but that if it could be distinctly understood that virtually the two governments — that is to say, you and he — were to settle the compensation, and if no objection were made to my acceptance of the umpireship after having declined it, I would accept the honorable offer. I begged the Mexican Minister to communicate this whole conversation to you.

Yesterday I had a letter from Mr. Marescal, sending me back my declining letter, and informing me that he had written to his government that I had accepted.

Now please write to me how matters stand. You have shown yourself to me once before in the simplicity of real friendship. Tell me now whether the objectionable point concerning the umpireship shall be virtually removed, and that I may count upon you and Mr. Marescal virtually, if not formally, settling the compensation of the umpire.

If you say it will, I shall indeed return my first letter of resignation to the commissioners, but along with it a counter letter. This at least seems to me the best way, and most agreeing with facts.

P. S. — Just before closing my letter to you, I received

from the secretary of the commissioners a paper to be signed by myself, accepting the umpireship. All this must wait your reply to me.

TO SECRETARY FISH.

New York (no date).

I have this moment your weighty letter of June 10, and desire now only to ask you how, in cases of necessity or when it may appear desirable for whatever reason, I may be sure that confidential letters reach you alone. . . . This is a subject which, you may remember from memoirs, has frequently puzzled people's invention, — the problem being, how can kings or prime ministers be safely reached in strict confidence?

I recollect that Stanton — I can never mention his name without calling him our great war minister — when I once asked him how I might manage that letters might reach him personally, promptly said, "Not by writing *private* outside, for in that case the letter is sure to be opened before I see it." . . .

TO SECRETARY FISH.

New York, April 3, 1870.

. . . Is there no hope that the whole immigration business may be made a national affair? The fact that most immigrants land in New York does not concern the State of New York alone. Kapp has repeatedly told me that you were the only statesman he knew who had made himself well acquainted with immigration (when you were senator). Can you not do something toward the establishment of a National Board of Immigration, now when you are our Secretary of State? The subject is very, very important. Cannot the President be directly interested in the matter? Please do not misunderstand me. I am not of Mr. Seward's opinion, that immigration should be favored and promoted by the national government. It is quite large enough, — I think, too much so. But what I would maintain, *bien arreté*, *bien precisé*, is that since this peaceful migration of nations characterizes the

period we live in, whether we will or not, it is our duty to put it under national sway and regulation in every respect, morally and physically, — not, indeed, by some two or three hastily passed laws, but by the establishment of a national board, spanning, in its action, from the Germans and Irish in New York to the Chinese and Japanese in San Francisco. . . .

P. S. — A National Board of Immigration ought not to cost a cent to the nation. By the payment of a trifling sum for each immigrant an abundant sum might be raised, perfectly just and equitable in its character.

TO JUDGE THAYER.

New York, July 22, 1870.

Your noble letter of the 18th, my dear friend, gives entirely my own views, except always as to the Latin and Teutonic races. That Latin race is a professional error, clutched indeed by Bonaparte as a very serviceable thing. He clings to the idea of the Roman universal monarchy, and, if that be impossible, to the idea of French predominance and leadership; while the Cis-Caucasian race has risen to the far higher idea of a commonwealth of leading nations under the ægis of the comprehensive law of nations. Cæsarism! Have we not got beyond the Caligulas and Heliogabaluses yet? . . . Does it not strike you that Napoleon must feel very insecure on his seat, to drive the French into this war? The Mexican fiasco has never been forgotten, — and the late elections, which forced him to adopt at least the semblance of that derided, despised *bicameral* system, and to give up the "Napoleonic Idea." So he falls back on the Rhine. Walking, in 1844, in the garden of the Tuileries with De Tocqueville, I said: "De Tocqueville, tell me candidly, is that presumptuous idea of the left bank of the Rhine still alive in France?" He promptly said, grasping my hand: "My dear Lieber, there is not a single person in France who believes in it, or thinks

of it at present." By the way, it was in the same garden, in 1851, that he said to me, "Not one third of the French believe him to be the son of his pretended father," which was confirmed by a young Frenchman sent to me with letters a week or so ago, — a man not in favor with Napoleon III. How clever he must be! But people can do so much if they only resolve not to shrink from crime and infamy. I am writing at random, for my very soul is filled with one thought, one feeling — Germany! I fear most the French fleet landing troops at Hamburg or Bremen while we have to fight the bulk of the army near the Rhine. . . .

Prevost Paradol's suicide is doubtless owing to psychological reasons as well as to physical. In my room in the Ebbitt House my thermometer stood all night, from Saturday evening to Sunday morning, 97° Fahrenheit. It was fearful. . . .

TO PROFESSOR BLUNTSCHLI.

August 21, 1870.

. . . When you thank God that you have lived to see this rising or resuscitation of Germany, you can imagine what must be my feelings. We will sing a still louder *Te Deum* when the German nation places the imperial crown on William's head. It is the first step which should be taken after all the bloodshed is at an end. William I., Emperor of the Germans! It does not sound badly, but should never be made a condition of peace. The telegraph makes one nervous. It is exciting to read on the blackboard of the newspaper publishers: "This morning a battle began near Metz which will probably be serious and important." I should not wonder if we get the news from the battle-field quite as soon as you do. Do not in these weighty days forget your friend. We have become acquainted so late in life that we must make up in warmth of friendship for the years we have lost. . . .

TO SECRETARY FISH.

New York, October 8, 1870.

My dear Sir, — Some days ago the "New York Tribune" contained an article, a column long, in which it was said that the "Ville de Paris" was loaded with rifles, &c., sold by the United States armories, or received from them, and destined, of course, for France. A description of how these bargains are made was given. This account has occupied my mind ever since. If it be true that the government of the United States, directly or indirectly, sold or handed over arms to the French, it will be a very serious impediment in all our "Alabama" transactions, not to speak of the fact that it will be deplored by all who love a lofty, and, for this very reason, a truly practical law of nations. If, on the other hand, the account in the "Tribune" is not true, my anxiety will show you that somewhere a semi-official contradiction ought promptly to be given; or has it already been done? I have not seen such. If I had any influence whatever, which I am aware I have not, I should strive to induce Congress to pass a law prohibiting the sale of contraband of war to belligerents with whom the United States is on terms of amity, the recent declaration of Lord Russell to the contrary notwithstanding.

Would such a subject be fitting in the President's Message? I think it would. Other nations ought to be induced to do the same. Germany and, I think, England would be persuaded. You recollect when France sold us arms, it was done through Beaumarchais. The French government, which was very hostile to England, did not openly sell arms to us. Our government is not hostile to Germany.

The difficulty of defining *contraband of war* lies chiefly in the fact that it is what mathematicians call a *variable*, owing to the changes of the appliances of war, and the progress of neighborliness among nations. The Roman law prohibited the carrying of arms and provisions to barbarians. I think *contraband of war* may be defined thus: *contraband of war* is everything, animate or inanimate, deemed at the time

necessary for the commission of acts of hostility between belligerents on sea or land, or for the direct pursuit of the war in general, plainly destined for a belligerent, or found on its way to one of the warfaring powers. It consists therefore: —

1*st*. In arms offensive and defensive, in part or entire; in men-of-war, or war-ships, gunboats, &c.; and in ammunition in every form and stage of perfection.

2*d*. In all those materials or commodities indispensable for the direct pursuit of war at the time, such as horses or mules in numbers indicating their martial destination; coal in sufficient quantity for steam fleets; metal for projectiles, whether lead or iron, and for the casting of artillery pieces; cordage for navies, saltpetre for gunpowder, &c.

3*d*. In those things which, though not used directly for acts of hostility, are nevertheless only used for martial ends, such as tents, knapsacks, and military harness.

But *contraband of war* does not consist in material of universal sustenance or of common comfort and necessity, although they are especially used, and in exceptionally large quantities in war, — nor in those materials which are used for the alleviation of bodily harm and suffering inflicted by war. Flour, beef, cloth not made up in uniforms, leather, boots and shoes, shirts and drawers, cotton, drugs, hospital furniture and surgical instruments, as well as ambulances for use in battle, disinfecting materials, — these and similar products and materials are not contraband of war. This is my definition, not "having heard the argument on both sides." I lay awake last night and thought of the unfortunate sale of arms by the United States, and then of the skittish definition of *contraband of war*. . . .

TO JUDGE THAYER.

October 28, 1870.

My dear Judge, — I have been quite ill, and rose again the very hour of the day, the 24th October, when, sixty four years ago, I was lying in the window looking at the

French marching into Berlin, — so attracted by the sight that I could not move, and so grieved at the disgrace that I sobbed aloud. I was but six years old when thus receiving my patriotic consecration. . . . To-day, the 28th, Columbus landed at Cuba, — so much for *you ;* and yesterday Metz surrendered, — so much for *me*. . . . People here make an entire mistake when they ascribe the desire for Alsace and a portion of Lorraine to Bismarck or King William. It has become the united and pressing call of the entire nation, high and low, — a calm, resolute, unswerving demand. "Let the western slope of the Vosges be the glacis of our fortress against you." Professors of the universities, civilians and soldiers, judges and farmers, all give this answer to the exquisite French demand for natural frontiers. . . .

TO PROFESSOR BLUNTSCHLI.

November 5, 1870.

I send you an "Evening Post" containing a communication of "Americus" (myself). You will see that Bryant, in the same number, attempts to guillotine me; but I think my head is firm yet. Have you read Laugel's article? . . . The simple question is, do the Germans want Alsace and Lorraine? If they do, they have the right to keep them. I do not see why not. I have repeatedly told my friends here that the Alsace question is no longer a Bismarck question, — perhaps never was. At any rate, the whole German nation presses like a dense phalanx for that object, — Bismarck or no Bismarck, William or no William. My wife has been very busy with the fair for the wounded, and made about fifteen hundred dollars by the sale of books. Before you receive this letter you will have heard that we have cleared some sixty-five thousand dollars. The French fair is now commencing and will probably be much more successful. "Is not France a Republic? Dear, poor France! Is not Paris our paradise?" All right! But do you, on the other side, hold fast to Alsace and Lorraine, and, if possible, to Luxemburg. . . .

TO GEORGE TICKNOR.

New York, 48 East 34th Street, November 5, 1870.

My dear Sir, — The Roman way of addressing a letter, which I have always preferred to ours, would have in this case the additional advantage of telling you whose handwriting, long forgotten by you, this is: *Francis Lieber to George Ticknor.*

Do you remember that a long time ago — not in the ichthyosaurus time, but in the encyclopedic period at any rate — you directed my attention to a book just then (I mean in '29 or '30) published, giving the literal translation of trials of the Inquisition, picked up by the American consul, I think, in Barcelona? I remember the book perfectly well, — a thin octavo; the first trial was that of a poor tinker accused of having eaten brawn on a Friday. I have the book, but I cannot find it. In a world of my devising there should grow for each respectable man of sixty a secretary and a fine saddle-horse; but the world happens not to be of my formation, and I fly to you, begging you to have the goodness of writing to me the title of that book. The witch-trials and the Holy Office, elaborated and developed by our own Cis-Caucasian race with the African slave-trade, are perhaps the foulest stains in all history — Aryan and not Aryan. But we had better stop when we come to the botches of our race. Our very best regards to Mrs. Ticknor. I trust that you both enjoy fairly good health. Please do not address your answer, which I anticipate with pleasure, to Columbia College; I have long left it, and am now in the Law School; but simply address the letter according to the date at the head of this note. Do not call me Professor.

You used to like a good anecdote; let me fill the remaining place with one. Last year, previous to the inauguration of Humboldt's bust in Central Park, and when it was announced in the papers that I should deliver the German speech, a friend of mine was thus addressed, in the car from Orange, by a car acquaintance who pointed to my name in the paper:

"Don't you think it remarkable, sir, that a man like Dr. Lieber should publicly speak for that Helmboldt and his Buchu? Helmboldt must pay him a thundering price, — that I know."

TO MRS. GEORGE TICKNOR.

New York, November 17, 1870.

My dear Mrs. Ticknor, — It is very odd that almost at the very moment I received your kind letter I recovered the sought-for book in my library. The title is "Records of the Spanish Inquisition," translated from original manuscripts, Boston, Samuel G. Goodrich; and on the fly-leaf are these words, written by myself: "Mr. George Ticknor tells me that this work was published by Mr. Kettell of Boston from the manuscript *processes* which the United States Consul, Mr. Thorndike, at Barcelona, saved when, during the revolution, the archives of the Inquisition were destroyed. Mr. Thorndike sent a whole boxful to Boston, and Mr. Ticknor owns some of the *processes* given in this book. Everything given in this book is authentic. Boston, April, 1831. F. Lieber."

You see my English, at least at the beginning, is not yet thoroughly idiomatic. I remember now that Mr. Ticknor told me at the time that the archives were sometimes thrown into the street, and some of the trials were picked up. I think that he told me this in the law-book shop of Little & Brown. Do not think that I have a wonderful memory; I have not, by any means; but things sometimes most indifferent make, for reasons unknown to me, at times, indelible impressions on my mind. Niebuhr said to me that he could not forget anything he ever knew, and that the little he ever knew of Hebrew was, to his annoyance, as fresh in his mind as when he first learned it. He said — although in another sense, — with the great poet "That I could but forget!" . . .

TO GENERAL GARFIELD.

December 10, 1870.

. . . Yes, I had three wounds, — one through the neck at Waterloo. I was fifteen years old and, being a volunteer, had the right of choosing my regiment. I selected the regiment nearest to the frontier and surest to get into the fight. It was a famous regiment, bearing an honorable name, — formed in the fortress of Colberg, by the famous Schill, of the remnants of other regiments after the disaster at Jena, and held that fortress when all other places surrendered. In battle the cry used to be "Follow, Colbergers!" or "Steady, Colberg!" At Ligny, June 16, our company of one hundred left but nineteen men after the fight. I have in my library the history of the Regiment Colberg. People used to wonder how I, a Berlin boy, came into a Pommeranian regiment. As I said, my brother and I selected it because it was stationed nearest to the frontier. Enough of Ligny and Waterloo, and if you remember me as the wounded Waterloo lad, do not forget me as the mature man who has formulated what he considers the basis of all freedom and earnest right in the motto: No Rights without its Duties; no Duty without its Rights. It excludes all slavery and all democratic absolutism, — the liberty worshipped by our Democrats and by the French so-called Republicans. . . . There will be something of mine in the next "Nation." At least I send a paper on France and Germany to the editor. . . . I am much occupied with *Neutrality*. My view and my wish is that nations should define *contraband of war*, and pass laws against the sale of contraband of war to belligerents. I have suggested something of the kind to be mentioned in the President's Message; but then, few, I fear, think as I do. Nevertheless, I am decided on this point, and am conscious that I know a thing or two on the subject. . . . As to my Waterloo period, I was lying on the battle-field one night and nearly two days, the clogged blood serving as a bandage, and Rufus Choate used to say that I was picked up for the exclusive purpose of being shipped to America, there to write my "Political Ethics." . . .

December 14, 1870.

. . . Are you not all extravagant in the postage business, — Sumner in wishing to reduce it to one cent, the representatives in stopping all franking? Must not an American representative keep up a correspondence with his constituents? I wish myself the postage moderated; but why not attack far worse things, and, first of all, the nefarious, shameless public printing? Look into any old-paper shop in New York. The first thing you see is a set of Congress documents, bound and new. Adopt the English plan. One copy of public documents to each member of Congress, — the rest to be sold at cost price, and a catalogue, with the price, published by Congress in the journals. . . . We are going very fast, but not up hill. What does this St. Domingo affair mean, if not that certain speculators want to pull the nose of the nation? As if we had not negroes and Catholics enough already!

TO JUDGE THAYER.

January 10, 1871.

Despite the fearful cold, my dear friend, I must thank you for your address. I have read it with the deepest interest. There is a pleasing space between the day when the member of Congress, with his zealous gaiters, came to my office in Washington, and this day, when I received your discourse. You mention Magna Charta; this evening, through night and cold, I shall lecture on that old thing. I maintain that England distinguishes herself above all other nations by three great facts: by Magna Charta; by the development of the bicameral system and her glorious revolution; and by the fact that England is the only country in the whole world whose national dishes are not a nuisance. Roast beef and plum pudding, — what manly, resolute, and savory institutions! What nastinesses are olla podrida and polenta, saurkraut and porridge, and Danish grit and Russian herring, and bacon and beans, and the Southern bacon and greens! Pilau is good, indeed, but it belongs to all Asia, and macaroni only to part of Italy. . . .

JANUARY 12.

Considering the library of Congress our National Library, — which name it ought to bear — I always take care to send a copy of my pamphlets, &c., to the librarian. Will you not do the same with your Address? You will be much criticised for calling my little Code, among other things, "beautiful," but I thank you for the expression. Read the letter of your "venerable and learned friend." I am no chicken, but what makes the people call me, all at once, venerable? I believe the reason is that, somehow, it has been mentioned of late that I am a Waterloo man; and Waterloo is very much, with most of you youngsters, close to Marathon, or thereabout, in chronology.

Addendum to my lecture on the robust institutions of roast beef and plum pudding: Two Hungarians, students in the law school, came to me and protested very respectfully but earnestly that there were two Hungarian dishes, the one called *puckshpacksh*, or something of the kind, and the other not better, but most delicious. I told them that I felt free, like a Titan, for I had boldly forsworn allegiance to saurkraut, and I did not believe in *puckshpacksh*.

TO GENERAL GARFIELD.

JANUARY 28, 1871.

. . . The American people are tinctured with a Russomania. I am not, but I always remember this day, the 28th of January, with a warm heart, since this day, in 1858, serfdom was abolished in the Russian crown-estates.

JANUARY 30.

. . . You did not understand me regarding the question whether the annexation of Alsace to Germany requires a so-called *plebiscitum*. I have stated, a long time ago, that the Americans have never put any of the five great extensions to the people's vote. That of Louisiana is the most striking case of all. I now say that I regret not having thought of the District of Columbia, when, in 1790, Marylanders and

Virginians were cut off from their States, and certainly deprived of their right of representation, without their being asked. I do not speak of this as a bad case or a good one. I simply speak of the fact that the Americans, so soon after their struggle for representation, for nationality, &c., did this thing. I want no proof on my side, I am quite clear in the matter; but I show how poor appear those Americans who are whining for noble France, and almost fall into the French brutality of declaring the present war a *war of races*.

TO SECRETARY FISH.

New York, February 23, 1871.

My dear Sir, — Hardly had I sent my letter of yesterday to you when one from Bluntschli was handed to me. It is a most interesting one, concerning the war, the effects, the conditions of peace, &c., but I will give you simply the last lines, — not because important, but because interesting as arriving at this very moment when you telegraph to me about the "Alabama" and Bluntschli. He concludes his letter thus: "To my joy I learn that my proposition in the 'Alabama' affair has been fairly received in America as well as in England, and that there is really hope that the difficulty will be settled as manly nations ought to settle things. That would be *splendid*."

I translate with *splendid* a regular student word into which the old professor falls, and which shows his deep feeling. The word is what the English *jolly* would be if raised to *sublimity*.

May you all — Americans and English — meet in a spirit which will warm your hearts, so that all mankind feels a boyish gladness, and calls out at your way of settlement, "That's jolly!"

Thus writes the old university man and grave jurist to his college boss and the prime minister of his country.

TO GENERAL GARFIELD.

March 14, 1871.

. . . My wife read to me your "Life of General Thomas," late last evening, when I returned from the law school. It did me good to hear the life of a *man*, in this time of greed and grimace. The last time I saw General Thomas it was in the park opposite the White House. I told him how highly we honored him for his fidelity to America above his State. He took it like a man, not disdaining the candid praise. . . .

March 20, 1871.

. . . If I knew how to contrive it, I would let you read my umpire decision on a case turning upon the question whether an alien, having made oath that he intends to become a citizen of the United States, is in any sense a citizen of the United States. The question is important and difficult, and I have decided it with the double interest of a naturalized citizen and truthful jurist. . . .

TO PROFESSOR BLUNTSCHLI.

March 21, 1871.

Where shall I find the whole history of a *de jure* and *de facto* government distinctly given? — I do not mean thoroughly or philosophically. The subject has become simple and clear to all men that governments are nothing more than the agents of society, and not primary and substantive institutions; but cases are put to me where the question has to be decided whether Maximilian's government was *de facto*, — I do not mean in a geographical sense, but in relation to the existing laws.

I am invited to dine to-morrow at the German Consul-General's, to celebrate Emperor William's birthday. So times have changed. I was born in a house No. 17 Breite Strasse, Berlin. Opposite to it was a pump, into which, on 18th March, 1848, a bombshell was shot. The Berlin boys wrote over this at once, "To my dear Berliners." It was

on the day when the king and queen, now made emperor and empress, were forced to fly to England. How William was then despised! Yes, times change. Mark the up and down in politics during my life since 1800. What curves and windings! No snake has made such maxima and minima in its serpentine course; and where are we now? Where? . . .

TO JUDGE THAYER.

March 26, 1871.

. . . Darwinism is, to my mind and my taste, wayward and repulsive dogmatism, and unintelligible besides. I should like to see the Darwinian who can tell me what he thinks *selection* is. An action without agent? The most remarkable thing is that these people — Darwin, Büchner, &c. — not only prove to you that your great-grandmother was a hideous gorilla, but they do it with enthusiasm, and treat you almost like a heretic if you will not agree with their flimsy and visionary materialism. Give me, rather, the cosmogony of the unethical Greek mythology. . . .

I hear from Washington that the purchase of Domingo is impossible. I hope so; but who knows? More negroes, — but we have negroes enough; more Catholics, — but we have Catholics enough; more land, — but we have land enough; more debt, — but we have debt enough; more corruption, — but we have corruption enough. And not one redeeming quality! The whole idea of sending a few men to look at the island, and determine whether we ought to take it, was grotesque. I am reading a sketch of the first French Revolution; present events furnish us with a living commentary. Do the same; it is lively reading. A wine merchant, an assiduous attendant of my course on the Constitution, showed me the other day a letter — the first he had received — from a correspondent at Epernay, a Frenchman and wine merchant. He writes that they had Prussians in the place for two months, and that they behaved admirably. They made, of course, requisitions; but not a private thing, not

a bottle of champagne, was touched. Victorious soldiers, knowing that there are the richest vaults of classical wine, abstaining from asking for a bottle, except what they paid for, — it speaks wonderfully well for German discipline. . . .

TO SECRETARY FISH.

New York, April 25, 1871.

When a few minutes ago I was searching for a pamphlet, my letter to William C. Preston on International Copyright fell into my hands. A thought flashed through my mind, — or rather a pang shot through my heart. Could that subject — more important than all the fisheries — have been settled by the High Commission!

I have always thought that this subject ought to be settled by treaty rather than in any other way. Have you ever read my letter to Senator Preston — a dear friend of mine? It is in the Congress Library, and is not bad, indeed. Do you smile at my self-laudation? It was published in 1840, so it is like the work of quite another person. The Protectionists are vehemently against international copyright; Carey raves against it, and a certain member of Congress, in the first Congress under President Lincoln, spoke of the necessity of protecting American mind! Well may we shudder.

You have many things on your hands, but it would not be ungraceful to your *secreteriate*, could you promote the modern law of nations in this particular. You have read Arthur Helps's eulogy on Lord Clarendon; it seems to me that, had he lived, he would have put this just above the Fishery Question. . . .

TO JUDGE THAYER.

New York, April 28, 1871.

. . . I have heard no rumor of the High Commissioners having adopted Bluntschli's views, nor do I believe it. If I had been asked, I should have tried to draw international copyright, and emigration and immigration, within the treaty.

Have you ever read my letter to Senator Preston, published in 1840, on International Copyright? I glanced at it a few days ago, and was very much pleased. You smile at this observation? I once stood with the famous Mrs. Herz, the Plato friend and student of Schleiermacher, when she was quite old, before her own portrait, taken when she was young. She looked silently at the picture for some time, and then said, "She was very beautiful!" I had just returned from Rome and Niebuhr and Greece; the waves of my soul were short and "boiling," and this saying touched me much. I wish you could read the whole of Döllinger's letter to the Archbishop of Munich. It is most profound, and ought to be translated *in extenso;* but I fear it will not be done.

TO PROFESSOR BLUNTSCHLI.

New York, May 23, 1871.

[The following cutting from the New York "Evening Post" was pasted on the original letter]: —

The Presbyterian Synod.

A strange view of the French Civil War.

Philadelphia, May 22. — In the Presbyterian Reformed Synod to-day, among the resolutions adopted was the following: "That the present condition of France in general, as desolated by storm of war, and of the city of Paris in particular, as now drenched by the blood of her own citizens, is a righteous retribution for the martyrdoms of St. Bartholomew's Day, and the tangible fulfilment of the Divine promise to the Church, 'That no weapon that is formed against thee shall prosper.'" A committee was appointed to prepare a programme of exercises to commemorate the tri-centenary in the year 1872.

I found this yesterday in one of our newspapers. Priestly arrogance like this is offensive to every one; still, the attention is aroused by such a declaration, and it is well that men should not wholly forget events like the butchery of the Protestants. A few days ago the mob of Paris pulled down the

column of Napoleon. I do not believe in a "spirit of the people," *per se*, existing as a thing in itself, apart from the people, and I consider Hegel's "spirit of history," as an independent, separate entity, to be nonsense; yet, the manner in which the tables have been turned is not without significance. Napoleon's statue destroyed by Frenchmen! The *canaille* may have done it, — still, there was a time when he was worshipped by that *canaille*. Who, in 1830 or '35, would have believed that the Bonapartes would ever again come into power, and that parliamentary government would become a subject of ridicule? Who again, in 1850 or '60, would have thought that the Vendôme column would be razed to the ground by Frenchmen? And what will come next? . . . This is the day of Savonarola's death, or rather his liberation. . . . Perhaps the senate will adopt the treaty [1] to-day. I shall send this letter when the fate of the latter has been decided. I shall dine with the High Commissioner. . . .

May 26, 1871.

And what now? The smoke of burning Paris, and our thanks that the senate has adopted the treaty of peace with England, rise to heaven together; the one to record in history the perverse craze of France, the other to note a distinct advance in the history of international comity. . . . Jacquemyns has written another letter to the "Evening Post," in which he describes the French as he found them in Paris. They would not acknowledge their defeat. So, when I went to Greece by way of France, a few years after Waterloo, the French always insisted that Napoleon was not beaten by the enemy at Waterloo, but that treason caused the defeat. This they maintained especially when they heard that I was a Prussian, and had taken part in the battle. A Frenchman, though agreeable and polite in ordinary life, is nevertheless eminently ungentlemanly and cruel as soon as his boundless vanity has been injured. I use the term *cruel*, and it is a

[1] Of Washington.

fact that no history is more bloodstained than that of France, and that Frenchmen appear to enjoy the revelling in blood as dogs when they have at last caught their long-chased prey. I have just read of the murder of the Archbishop of Paris, and of fifty priests. Why? There was nothing to revenge. . . . But we are all in fault; not, indeed, you and I, — but the world in general is ever ready to forgive and extol the French, and even calls a grimace-maker like Victor Hugo a genius. Farewell and write soon, letting me know, in three or four lines, how Neufchatel was ceded to Switzerland. Did the people vote on the question? I desire only the merest outline.

TO FRANZ VON HOLTZENDORFF.

New York, July 16, 1871.

I have not yet thanked you for your "Principien der Politik," which I have read with the greatest interest. It was very kind of you to think of me. In America, where so much has gone wrong while in Germany so many glorious changes have taken place, we have at least closed a treaty with England which forms the beginning of a new period in the law of nations. It has become more necessary than ever to write a brief work of a thorough and healthy nature on international arbitration, in the spirit of pure justice. Will a German writer do this? I constantly feel the necessity of such a work in my duties as umpire between the United States and Mexico.

You will receive herewith the fourteenth report of the Central Park Commission. It contains my speech on Alexander von Humboldt, which I delivered two years ago. In its present garb it is the best thing I have ever done in this line, which, of course, does not prove it to be good; but, whether good or only passable, I should like it to appear in my fatherland. Is it too late? Humboldt does not pass away, — and, besides, the official report has only just been published. I doubt, however, whether so soon after the proud entry of the emperor and his conquering army, a Berlin citizen would care

for anything of the kind. Still, I thought I would attempt it for the following reasons: the speech is in memory of the most distinguished son of Berlin; the bust we have placed in the Park was made in Berlin, and is excellent; and I, a native of Berlin, might have justly taken my place on one of the benches at the Brandenburg gate, where the old men who fought at Leipzig and Belle Alliance were seated, to whom the emperor spoke so kindly. Yes, my dear sir, I fought at Waterloo, and was afterwards expatriated because I was enthusiastic for the same ideas which William now symbolizes and represents on his entrance into Berlin. . . . God bless Germany! The future history of mankind and humanity stand in need of her. . . .

RECOLLECTIONS OF JOSEPH BONAPARTE, FROM A LETTER TO MR. McKIN.

August 17, 1871.

Joseph Bonaparte was a very affable man. He liked to tell occurrences, walking up and down after dinner. One day, having come to talk of the Inquisition and Llorente, he said to me: "Llorente was my chaplain; he was a liberal priest. I was obliged to hear mass daily, so he used to come every morning. We went into the chapel royal, sat down, and had a talk about the affairs of Spain, or whatever else interested us, and after the proper time we left the chapel. The next morning the official paper had: 'His Majesty heard mass at such and such a time,' &c., &c."

What struck me very much in my intercourse with that very amiable man was the simplicity with which, at dinner or otherwise, he would introduce an anecdote or occurrence with the words: *Lorsque j'etois roi de Naples; lorsque j'etois roi d'Espagne.* His simplicity shone forth more than ever when an old Conventionist, who had come from South America to Bordentown, dined with him. This man, whose name I have forgotten, but it could be recovered, had been a friend of Joseph's, — a regular Dantonist, or worse; fled when Robespierre fell, knocked about in South America

under Bolivar and others; and now, in his old age, was sitting at Joseph's table in America, and *thou-ing*, in the regular old Convention style, the man who in the mean time had been king of Naples and worn the crown of Spain. "Thou remembercst, Bonaparte," he would say, "when Robespierre did this or that," — and I, much the junior, sitting between the two, having helped to beat and dethrone Joseph's brother. It was to me like the meeting of shades we read of, like history come to life again in small details.

TO FRANZ VON HOLTZENDORFF.

The Day of Sedan, 1871.

I understand what you say about the impossibility of publishing my "Humboldt" at present in Germany. . . . The word *despot* in English is taken more in the Greek sense than in the German language, where it gives somewhat the idea of a tyrant. Frederic the Great was a man of profound genius, of a penetrating mind, and capable of high conceptions. He identified himself completely with the state, not with the people; he loved justice, detested the idea of the "anointed," called the king "the first functionary of the state," had no special regard for Germany, — not the most distant conception of a free will and independent development in the citizen; and a Titus, as then represented, was his ideal. Everything, he believed, should proceed from the government, and be enforced by the government. Prussia still suffers from these maxims. His mind conceived all conditions in practical life; but of liberty he knew nothing. Whosoever under his sway presumed to lift a finger in defence of manly independence was soon silenced. It is true, he allowed a Kant to speak of a republic as the best form of government, but it was nothing but idle talk. In my opinion, Frederic II. was the most enlightened absolutist, — and he meant to be that. . . . But why all this? We both love Germany, and liberty and justice . . .

I sent you yesterday a book of mine, which you have doubt-

less never seen: "Essays on Labor and Property," published in 1841. It was written against the Communists; at least they gave the motive for it. I refute the old arguments, that at first all things were given to all, and found the origin of property on appropriation and production with its consequent free disposition. Since then, I have added much in confirmation of my views, but no fundamental opinion is changed. I have constantly written against Communism, Jacobins, and Sans Culottes, — the worst of all, Sans Culottes in kid gloves. The *Internationals*, I imagine, are pretty much the same. How is it that these people have made use of my maxim?[1] I formed it and modelled it with great care in delivering lectures on the inter-development and inter-dependence of the two ideas, *right* and *duty*, — the inter-completing ideas, as I call them; and now a man like Karl Marx delivers a speech, adopting a motto which I formulated against the very thing he holds up, — Democratic Absolutism. I wish I could make its origin and purpose known to all the world.

It sometimes seems to me that the Germans are now the only resolute and earnest people. England, the freedom-distributing and nations-producing, has gone back for a time; but as she is the only country which in the period of absorbing centralism remained free from its influence, so I believe she will ere long take part with Germany. Where nations *live* and are conscious of their existence, the marriages of princes are of little consequence, but it is likely that a marriage between "Fritz" and a daughter of England may be the means of uniting the two countries, and thus prove a happy event.

TO GENERAL GARFIELD.

December 11, 1871.

. . . I must tell you of a pleasant occurrence in my lecture-room. I had spoken at length of the representative system of two houses, and the dislike of the French Democrats to the

[1] "No Right without its Duty; no Duty without its Right."

bicameral system. I referred to the last number of the "Revue des Deux Mondes" — in which there was a long article recommending it to the French people and quoting repeatedly my "Civil Liberty" — and concluded the lecture, when a student came up to me and told me what I requested him instantly to relate to the whole class [from eighty to one hundred students in the law school]. It was this: The student had heard Laboulaye lecture in Paris just before the war. When Laboulaye spoke of the bicameral system, recommending it, he concluded his remarks with relating that Jefferson one day visited Washington, and, full as Jefferson was of French views, he zealously attacked the system of two Houses. Washington replied that Jefferson was much better informed than himself on such topics, but that he would adhere to the experience of England and America. "You yourself," said the General, "have proved the excellence of two houses this very moment." "I," said Jefferson; "how is that, General?" "You have," replied the heroic sage, "turned your hot tea from the cup into the saucer, to get it cool. It is the same thing we desire of the two houses." There is not the least doubt in my mind that Laboulaye told this, but whence has he the delectable anecdote? I should give much to know. It comes in so well, and it is always delightful when popular illustration helps the truth.

TO GENERAL GARFIELD.

December 13, 1871.

. . . I think the Germans committed a blunder in passing their new coinage law. That they adopted gold as the exclusive basis of expressing value is sound and good, — but to talk, on occasions like this, of a *transition* law! It is just as if a man, in order to save trouble, were to shave himself a little by way of transition to a clean shave. . . . Can you not get a law passed that there shall be in the Department of State books kept, called the Great Books of Naturalization, in which a record shall be kept of every declaration of intention, and of

every final naturalization, and that a naturalization is not complete until the naturalizing court has received authentic information that the record has taken place. I write this as *umpire*. Large sums depend upon the question, Was N. N. citizen of the United States at such a time? . . .

42D CONGRESS, 2D SESSION. H. R. 1701. PRINTER'S No. 1390.

IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 26, 1872.

Read twice, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. GARFIELD, on leave, introduced the following bill[1]: —

A BILL

To establish a record of naturalization in the Department of State.

Whereas the immigration into the United States is constantly increasing, and personal security, as well as international justice, require a record and registration of naturalization, and experience has shown that the certificates of naturalization are frequently lost by change of residence, while the records of the courts in which the act of naturalization is recorded are often imperfect and incomplete, all of which are evils which needs must increase in a country so liberal of naturalization toward strangers as ours; and

Whereas the Department of State has the sole authority to issue passports to citizens going abroad, which in cases of naturalized citizens require documentary evidence of their naturalization; and

Whereas the dignity of becoming the full participant in the rights and privileges of a citizen of the United States demands a complete and permanent record: Therefore,

[1] This bill was prepared by Francis Lieber.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State be, and he is hereby, required to keep a book or books, to be called the Record of Naturalization, in which all declarations of intention to become a citizen of the United States, as well as the actual naturalizations, shall be duly and systematically entered, and conveniently kept for ready reference.

SEC. 2. That the process, or act of naturalization, shall not be considered as perfected, and shall not be perfect in law, and with reference to civil and political rights, until the respective naturalization shall have been entered in said Record of Naturalization; and all courts, before issuing persons naturalization papers, shall forward the same to the Secretary of State for registration and record, and the Secretary of State, after recording the same, shall cause to be indorsed thereon a certificate that the same has been duly recorded, and shall immediately forward the paper or papers thus indorsed to the owner thereof.

SEC. 3. That the Secretary of State, on payment of a fee of dollars, shall furnish to any naturalized citizen, who may have lost his naturalization papers, a certified copy of registration thereof in the Department of State, and such certificates copied from the Record of Naturalization, and duly signed by the Secretary of State, and sealed with the seal of the Department of State, shall have the same force and authority in every court of law as the original certificate of naturalization.

SEC. 4. That there shall be published, annually, under the direction of the Secretary of State, and as a public document of the Department of State, a complete list and enumeration of all foreign-born citizens of the United States naturalized during the past year, with the proper characteristics and dates.

SEC. 5. That this act shall take effect on July fourth, eighteen hundred and seventy-two.

TO CHARLES SUMNER.

New York, December 22, 1871.

I have read your resolutions regarding the one-term presidency with great attention, and hope to receive a legible copy. Let me ask you whether Mr. Clay was not for *one term of six years?* I have the impression that he was. Second, have you resolved in your mind whether it would not be beneficial, if the term of four years should remain, to make the citizen (would *citizen* not be better than *person?*) who has been President, re-eligible after two terms of four years only? I do not say that I have quite made up my mind, but think six years, once and forever, would be best. Has not John Q. Adams expressed himself on this subject? I have the impression that he has, but you must know that much better, and would have mentioned it. Send me all about this subject.

TO PRIVY-COUNCILLOR BLUNTSCHLI.

New York, February 19, 1872.

A mixture of dissatisfaction and mortification has long prevented me from writing to you; but am I to give up forever the delight of corresponding with you? The gentleman who undertook the translation of your law book suddenly ceased his communications to me. Three of my letters remained unanswered without there having been the slightest misunderstanding. I cannot in the least account for his strange conduct; but it is extremely disagreeable to me. . . .

Have you read Laveleye's essay, *La Revanche de la France?* It is excellent; and to all he says about Catholicism in France and in Germany I could add much on its baneful influence in this country, and on the dark future it is preparing for America. Is it not strange that Catholicism in South America, or at least in Mexico, is not Ultramontane? The melancholy Mexican or half-Indian would not have opposed Ultramontanism had not the political stream decided against it. The state wanted the church endowments, and took pos-

session of them. With us, *universal suffrage* leads to bribing for votes, and spending large sums of money upon the Irish, and so on. But you have seen all this from the papers I have sent you. . . . I have a great favor to ask of the librarian of your university. Towards the end of the last century, or the beginning of the nineteenth, a Latin newspaper was published, I believe weekly, somewhere in the south of Germany. Where was it, and how did they express "President of the United States?" What was the name of the paper, and how long did it last? Was not Washington called *Vasinous?* Was not the editor's name Schultze, — if that indeed can be called a name? . . .

Have you any impression — a clear idea no one can have — how things in France will end? End! Do you remember my proposal that France should adopt a constitution in which Bourbonism, Orleanism, Bonapartism, Two Chambers, One Chamber, Communism, Guillotinism, International Hacking, and Mediæval Discord, — where every rat fought with every rat — should change by Olympiades? . . . Do you hear from Laboulaye? I have not heard from him since the war, and cannot be the first to write, after the silly letters he published here. Besides, I had written the last letter, full of friendship. . . .

I spoke above of the evils of Catholicism. What shall I say of the atheism of our times, — universal, scientific, earnest, and almost enthusiastic? Not long ago the announcement was made in a German paper, published in St. Louis, that a collection was proposed for Feuerbach, then living in Nürnberg in great poverty; and, as an additional inducement, it was mentioned that he was the first bold, unreserved atheist in Germany.

The senate has confirmed the treaty with Mexico, which extends my commission as umpire until January, 1873. I can therefore not visit Europe in 1872. I had intended to give up my professorship, commission, — everything, and finish all by May, 1872; but it is not to be. Farewell until then, and pour a little joy and courage into my veins. . . .

TO GENERAL G. H. DUFOUR, HONORARY PRESIDENT OF THE INTERNATIONAL COMMITTEE, GENEVA.

New York, April 10, 1872.

Sir, — A few days ago I received your favor of February 1, in which you express the desire of the International Committee of Geneva to know my personal opinion on the accompanying proposition to establish an "International Judicial Institution for the Prevention and Repression of Infractions of the Convention of Geneva." I readily give you my opinion, although our views regarding the carrying out of the principles, on which we wholly agree, will differ.

I am one of those jurists who have declared themselves distinctly and emphatically in favor of constantly expanding and multiplying international arbitration and reconciliation. I have even strongly recommended returning to the custom of the Middle Ages, and selecting the law faculties of universities of high repute for international arbiters; but I have expressed myself as early as in my "Political Ethics" against the idea of a permanent high court of nations, by whom all international misunderstandings should be decided, as undesirable and without effect, — if it could be established. I have not changed my opinion. Who should be the sheriff of a high court of nations? and what common court, even, would have any impressive authority if it were not known that its decrees would be carried out by public power? Hugo Grotius was quoted at the Congress of the European nations at Vienna; but he was thus quoted, above monarchs, ministers, and nations, *because* he was an unofficial man, absent from the strife, and who had written his work on Peace and War at the dictation of reason and justice, without any special connection with the cases in question, appealing to reason, justice, and equity alone.

Free nations would always be disadvantageously placed before such a court; for governments more or less despotic can easier combine and plot than free nations, for freedom implies publicity, and free nations stand especially in need of

autonomy. This need, without meaning isolation, increases with the advance of freedom and the expanse of self-government. I feel very sure that few American citizens would be willing to entrust a contested cause, of which his commonwealth is a participant, to a permanent high court of nations, however much he may favor *courts of arbitration* established by special treaties. They have power and their decisions have force for the very reason that they are constituted by mutual and especial consent, and for the special occasion. It is not puerile jealousy, but the necessity of autonomy, which would prevent a free nation of any magnitude joining a permanent international high court. . . . As a general remark, I beg to repeat on this occasion, that one of far the most effectual and beneficent things that, at this very juncture, could be done for the promotion of the intercourse of nations in peace or war (and there is *intercourse* in war, since man cannot meet man without intercourse) — one of the most promising things in matters of internationalism, would be the meeting of the most prominent jurists of the law of nations, of our Cis-Caucasian race — one from each country, in their individual and not in any public capacity — to settle among themselves certain great questions of the law of nations as yet unsettled, such as neutrality, or the aid of barbarians, or the duration of the claims or obligations of citizenship. I mean *settle* as Grotius *settled*, — by the strength of the great argument of justice. A code or proclamation, as it were, of such a body, would soon acquire far greater authority than the book of the greatest single jurist. I hope such a meeting may be brought about in 1874. . . . With sentiments of the highest regard, and the warmest wishes that the Geneva Convention may become more and more one of the very elements of international progress for our race, I am, &c., &c. . . .

TO JUDGE THAYER.

MAY 13, 1872.

I do not believe I wholly agree with you about the "Alabama" question, my dear Woolsack, because I think you mis-

take the demands of the United States. As to the remote or consequential damages, — I have to see much of these in my Americo-Mexican wig. . . . The census of the German empire has just been published — 41,000,000 + in the empire; add 10,000,000 of German Austrians, — and how many Germanic cosmopolitan loafers, like myself? say a million or two, — and you have fully 52,000,000 German critters. It is not equal to the English-speaking set; that cannot be far from eighty to eighty-five millions. Now reflect how at one time the non-Germanic nations had the sway, — all South America, Mexico, and North America; why, we were fairly surrounded and hemmed in by the French, Canada, Louisiana, all the Mississippi, but the Anglo-Saxon broke through and prevailed. . . . I am sorry to hear that Mrs. Thayer is subject to that malady which afflicts the women of the Cis-Caucasian portion of the Aryan race, a malady which used to be called in ancient law Latin the *furor house-cleanandi*. My wife is so ashamed of this infirmity, poor soul, she does it as much as possible furtively. . . .

TO FRANZ VON HOLTZENDORFF.

New York, May 26, 1872.

I thank you for your "Right of Conquest," which I read with much interest, and with some pleasure in seeing my name mentioned. It appears to me that in counting up the fair grounds for conquest you have forgotten the one of a national necessity. This is dangerous, but not, therefore, the less true. If Socrates declared "all noble things to be difficult," there is a still greater, — that all acts of the highest nature are dangerous. If Louisiana had not peaceably joined America, and the United States, recognizing her high mission, had not obtained possession of the mouth of the Mississippi by offers of compromise, would it not have been her duty to have acquired it by force? Therefore there are wars where the right is on both sides. Should Germany never have the right to compel the nine millions of Austrians, by conquest, to

return again to her dominion, if there is no other way to depose the Hapsbürgers? . . .

I, or rather my wife, sends you a sonnet to Milton, which she found in looking through my Journal, and which I wrote in 1843, after having read Charles Symmond's "Prose Writings of Milton." I am not ashamed of it. Did not your and my hero, Hugo Grotius, write poetry? True, it was in Latin! The patriotic blindness of Milton has always made the deepest impression upon me. Milton, too, was the first who made liberty of the press a positive subject for political philosophy, and expressed his opinions openly and distinctly. And how perfect was his language! English was for him the lyre in Arion's hand. Therefore all the greatest orators of England — Chatham, Burke, all — took Milton for their example, for with him they found the purest English, free from platitudes or bombast. . . .

If it is no trouble, I beg you to send me a complete catalogue of the University of Strasburg. In 1846, in one of my writings, I recalled the fact that under Adrian professors were appointed to lecture in different places, and Polemon of Laodicea instructed in oratory at Rome, Laodicea, Smyrna, and Alexandria. The travelling professor had a free passage on the emperor's ships, or on the vessels laden with grain. In our days of steamboats and railroads the travelling professor should be reinstated. Why could not the same person teach in New York and in Strasburg? . . .

TO PROFESSOR BLUNTSCHLI.

MAY 30, 1872.

This, my dear friend, is *Decoration Day* — a day which the matter-of-fact American, with German fervor and Hellenic grace, has appointed to decorate the graves of the brave men who fell in the service of their country during the Civil War. . . . On this day I will send you a sonnet on Milton, which my wife found in my Journal. You remember that the physicians told Milton he would certainly become blind if he continued to write so much; but the ardent advocate of freedom

willingly sacrificed his precious sight. . . . I had to think of Goethe in comparison with him; for a more unpatriotic or uncivic poet than the great Apollo, with his many stars and honors, has never existed. Can you still read Goethe's prose writings? Does not "Werther's Leiden" seem silly to you?

"O Strasburg, du wunderschöne Stadt," I found myself singing this morning in bed. I learnt the song as a schoolboy. It was one of those penny songs which were hung up on strings for sale at the corners of some streets. Holtzendorff should publish a collection of these old patriotic soldiers' and people's songs, as for instance "Prince Eugene" and others, showing that the people of Alsatia remained German in their feelings. Pfeffel was entirely German. Every schoolboy had his poems by heart. . . .

TO PROFESSOR BLUNTSCHLI.

June 28, 1872.

It is so fearfully hot, my dear friend, that I can do nothing but write to you. This does not sound courteous, but it is true. Seated in your library, with a case involving millions of dollars depending on your decision, thermometer at 88° Fahrenheit, is no trifle! What has refreshed me in this heat was this morning's news, that yesterday the demand of Geneva for consequential damages has been withdrawn. Were I near you I should invite you to take a glass of wine with me, probably iced champagne, to the weal of international law.

The question of the method of voting occupies the people here as much as in England, and a friend wrote to me a few days ago that the Swiss have adopted a new method. Is it so; and has anything been published in which the Swiss plan of voting and the so-called representation of the minority has been clearly defined?

In my opinion all this is a matter of *expediency*. I have come to the conclusion:

1. That modern citizenship requires representation, and representation must principally depend upon the vote; elections must be widely extended, or are valueless.

2. That to vote for a representative is not a natural right. It might appear logically a natural right to vote in the *agora* wherever there is absolute democracy, but never otherwise. The reasons are clear, but my thermometer is too high for me to state them.

3. The right, and therefore the duty, to vote for four representatives, may be misapplied for the right to give four votes to one representative. Neither morality, logic, nor law permit this. The right to vote is no substance which can be divided or united as one may choose.

4. The minority is not a substantive power as the majority, but only a negation of the latter. The majority is always *one;* while the minority often comprises many sub-minorities opposed to each other. Where there was simply a majority and minority, the minority representation had occasionally a good effect. . . .

Maccabees! we have the oven here! . . .

Faust does well to call Satan the king of flies. No more impertinent perseverance or unnerving familiarity can torment poor human beings, and I am unhappily one of the tormented now. . . .

TO FRANZ VON HOLTZENDORFF.

August 11, 1872.

. . . I do not agree with you in what you say about modern emigration. At all times men have looked for a better country, when the country of their birth became too crowded or too barren, and our easy mode of transportation has naturally brought about a new and peaceful migration. To possess a portion of the earth, to call a few acres his own, is a glorious feeling to one who for years has cultivated fields that belonged to others, and who perhaps could eat meat but fifteen times during the year. You should see the Swedes in Minnesota, or the Germans in Missouri or Kansas, where they point to their one hundred and fifty or two hundred acres of land. The right to emigrate belongs to the earliest rights of the individual.

Through emigration the Almighty has directed mankind to spread over the earth; and the higher and more uniform the culture, the more emigration and immigration will increase. The emigrant by no means proves that he has no love for his country, especially if a man who would gladly have sacrificed himself for his fatherland has been forced from it, as in times past.

TO PRESIDENT A. D. WHITE.

New York, September 19, 1872.

My dear Sir, — You misunderstood me. Holtzendorff wrote to me that when he was at London several Americans told him he ought to come to America and give us some lectures. He added that he ought to have his travelling expenses at least secured, and asked me how this was. I, thereupon, wished to see some one of the *committee*, as I have seen these gentlemen called, who engage lecturers for the winter. Not knowing who these gentlemen are, I asked you whether you could tell me. This is all. I simply wished to give Von Holtzendorff some more definite information. I had a slight fear that you might take my question as a faint suggestion, and therefore guarded myself against it. A suggestion, even the faintest, of inviting Holtzendorff, or any one else, to Cornell University would have been indelicate in me, and I think inappropriate in any one at any time. I repeat my question: can you tell me where I might obtain some sort of information regarding lecturers called over from Europe? I admire neither Buckle nor Froude. Ingeniously carrying through a fancy, or learnedly pleading for a historical client, is not the earnestness and comprehensiveness, the manly love of truth, which form the elementary requisites, though not the only ones indeed — of the priest-like historian. The law of all hermeneutics — namely, to find out by solid interpretation the truth of the text, not to try what by ingenuity we can screw into it — applies to the historian. But, I ask your pardon; there are some things I cannot easily touch upon without branching out. . . .

TO FRANZ VON HOLTZENDORFF.

New York, September 22, 1872.

. . . I warn you that this will be nothing but a chatting letter; but why should one not allow one's self the privilege for once? — besides, it will be *staccato*. My words will be at intervals, like the shooting before Metz two years ago. . . . I shall soon send you an article of mine on the "Sales of Arms" for your "German Quarterly," which will also appear in Jacquemyn's "Révue." . . . I thank you for the pamphlets you have sent me. Pray send me the one containing the article on Richard Cobden. Your having written it makes me presume you are a free-trader, and if so we are doubly comrades. I must also ask you for your likeness. I always wish to have the portraits of authors in their books, if they can be trusted, and photography extends this pleasure to friends. Have you read Cochin's treatise on the government of large cities in the "Compte Rendu" of the Academy of Moral and Political Science? It deserves attention. Cochin was my last remaining friend in France, and now he is also dead.

If I should be free next year, I mean to traverse the country between Basel and Ostend, including Metz and the Rhine, Rheims, and Frankfurt. I shall call it my Burgundian pilgrimage. . . .

Had I thought of it earlier, I should have collected a sum of money here as a premium for the very best ink at the Vienna Exposition. Good ink should be black while you are using it, not only become so; it ought to flow from the pen readily, and ought not to lose color by age. I have seen notes in the handwriting of Luther on the margin of his own Bible, and they were perfectly black; and I have found papers written by me fifteen years ago utterly illegible. Have you never suffered from the ink malady? I do so while writing these lines. Emperor William could do nothing more worthy his new empire than to promise fifty thousand thalers to the man who would deliver to him from me the ink *probatum*

est. Have you seen Calvin's letters? The ink is as black as his Predestination and Condemnation theories.

This was very nearly the last letter that Doctor Lieber wrote. Toward the end of September he was ailing for a few days, and stayed in the house more as a matter of precaution than from any apparent necessity. On the afternoon of the 2d of October, 1872, he was sitting quietly, listening to his wife, who was reading aloud to him as was her custom, when he gave one cry and immediately died.

This was a peaceful end to a long and well-spent life, which had been devoted to the study and inculcation of the great lessons of political experience. *Patria Cara: Carior Libertas: Veritas Carissima* was the inscription he had placed conspicuously within his house, and the reader has seen how Lieber's life was moulded by that thought.

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